

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

In the Matter of the Accusation Against:

Case No. 3338

STEVEN RAYOS
15617 Stevens Avenue
Bellflower, CA 90706

Pharmacy Technician Registration No. TCH
40025

Respondent.

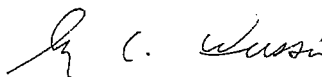
DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary 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 18, 2010.

It is so ORDERED on October 19, 2010.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA



By

STANLEY C. WEISSER
Board President

1 EDMUND G. BROWN JR.
Attorney General of California
2 GREGORY J. SALUTE
Supervising Deputy Attorney General
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8 **BEFORE THE**
BOARD OF PHARMACY
9 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA
10

11 In the Matter of the Accusation Against:

Case No. 3338
OAH No. L-2010011060

12 **STEVEN RAYOS**
15617 Stevens Avenue
13 Bellflower, CA 90706

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

14 Pharmacy Technician Registration
15 No. TCH 40025

16 Respondent.

17
18 *IT IS HEREBY STIPULATED AND AGREED* by and between the parties to the above-
19 entitled proceedings that the following matters are true:

20 **PARTIES**

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

25 2. Respondent Steven Rayos is representing himself in this proceeding, and has chosen
26 not to exercise his right to be represented by counsel.

27 3. On or about November 7, 2001, the Board of Pharmacy (Board) issued Pharmacy
28 Technician Registration No. TCH 40025 to Steven Rayos (Respondent). The Pharmacy

1 Technician Registration was in full force and effect at all times relevant to the charges brought in
2 Accusation No. 3338, and will expire on May 31, 2011, unless renewed.

3 **JURISDICTION**

4 4. Accusation No. 3338 was filed before the Board, Department of Consumer Affairs,
5 and is currently pending against Respondent. The Accusation and all other statutorily required
6 documents were properly served on Respondent on November 23, 2009. Respondent timely filed
7 his Notice of Defense contesting the Accusation. A copy of Accusation No. 3338 is attached as
8 Exhibit A and incorporated herein by reference.

9 **ADVISEMENT AND WAIVERS**

10 5. Respondent has carefully read, and understands the charges and allegations in
11 Accusation No. 3338. Respondent has also carefully read, and understands the effects of this
12 Stipulated Settlement and Disciplinary Order.

13 6. Respondent is fully aware of his legal rights in this matter, including the right to a
14 hearing on the charges and allegations in the Accusation; the right to be represented by counsel at
15 his own expense; the right to confront and cross-examine the witnesses against him; the right to
16 present evidence and to testify on his own behalf; the right to the issuance of subpoenas to compel
17 the attendance of witnesses and the production of documents; the right to reconsideration and
18 court review of an adverse decision; and all other rights accorded by the California
19 Administrative Procedure Act and other applicable laws.

20 7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and
21 every right set forth above.

22 **CULPABILITY**

23 8. Respondent admits the truth of each and every charge and allegation in Accusation
24 No. 3338.

25 9. Respondent agrees that his Pharmacy Technician Registration is subject to discipline
26 and he agrees to be bound by the Board's imposition of discipline as set forth in the Disciplinary
27 Order below.

28 ///

1 CONTINGENCY

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

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

14 12. This Stipulated Settlement and Disciplinary Order is intended by the parties to be an
15 integrated writing representing the complete, final, and exclusive embodiment of their agreement.
16 It supersedes any and all prior or contemporaneous agreements, understandings, discussions,
17 negotiations, and commitments (written or oral). This Stipulated Settlement and Disciplinary
18 Order may not be altered, amended, modified, supplemented, or otherwise changed except by a
19 writing executed by an authorized representative of each of the parties.

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

23 DISCIPLINARY ORDER

24 *IT IS HEREBY ORDERED* that Pharmacy Technician Registration No. TCH 40025 issued
25 to Respondent Steven Rayos is revoked. However, the revocation is stayed and Respondent is
26 placed on probation for three (3) years on the following terms and conditions.

27 1. **Certification Prior to Resuming Work**

28 Respondent shall be automatically suspended from working as a pharmacy technician until

1 he is certified as defined by Business and Professions Code section 4202(a)(4) and provides
2 satisfactory proof of certification to the board. Failure to achieve certification within one (1) year
3 shall be considered a violation of probation. Respondent shall not resume working as a pharmacy
4 technician until notified by the board.

5 During suspension, Respondent shall not enter any pharmacy area or any portion of any
6 other board licensed premises (wholesaler, veterinary food-animal drug retailer or any other
7 distributor of drugs) any drug manufacturer, or any other location where dangerous drugs and
8 devices or controlled substances are maintained. Respondent shall not do any act involving drug
9 selection, selection of stock, manufacturing, compounding or dispensing; nor shall Respondent
10 manage, administer, or assist any licensee of the board. Respondent shall not have access to or
11 control the ordering, manufacturing or dispensing of dangerous drugs and devices or controlled
12 substances. Respondent shall not resume work until notified by the board.

13 Subject to the above restrictions, Respondent may continue to own or hold an interest in
14 any licensed premises by the board in which he holds an interest at the time this decision becomes
15 effective unless otherwise specified in this order.

16 Failure to comply with this suspension shall be considered a violation of probation.

17 **2. Obey All Laws**

18 Respondent shall obey all state and federal laws and regulations.

19 Respondent shall report any of the following occurrences to the board, in writing, within
20 seventy-two (72) hours of such occurrence:

- 21 an arrest or issuance of a criminal complaint for violation of any provision of the
22 Pharmacy Law, state and federal food and drug laws, or state and federal controlled
23 substances laws
- 24 a plea of guilty or nolo contendere in any state or federal criminal proceeding to any
25 criminal complaint, information or indictment
- 26 a conviction of any crime
- 27 discipline, citation, or other administrative action filed by any state or federal agency
28 which involves respondent's pharmacy technician registration or which is related to

1 the practice of pharmacy or the manufacturing, obtaining, handling, distributing,
2 billing, or charging for any drug, device or controlled substance.

3 Failure to timely report any such occurrence shall be considered a violation of probation.

4 **3. Report to the Board**

5 Respondent shall report to the board quarterly, on a schedule as directed by the board or its
6 designee. The report shall be made either in person or in writing, as directed. Among other
7 requirements, respondent shall state in each report under penalty of perjury whether there has
8 been compliance with all the terms and conditions of probation. Failure to submit timely reports
9 in a form as directed shall be considered a violation of probation. Any period(s) of delinquency
10 in submission of reports as directed may be added to the total period of probation. Moreover, if
11 the final probation report is not made as directed, probation shall be automatically extended until
12 such time as the final report is made and accepted by the board.

13 **4. Interview with the Board**

14 Upon receipt of reasonable prior notice, respondent shall appear in person for interviews
15 with the board or its designee, at such intervals and locations as are determined by the board or its
16 designee. Failure to appear for any scheduled interview without prior notification to board staff,
17 or failure to appear at two (2) or more scheduled interviews with the board or its designee during
18 the period of probation, shall be considered a violation of probation.

19 **5. Cooperate with Board Staff**

20 Respondent shall cooperate with the board's inspection program and with the board's
21 monitoring and investigation of respondent's compliance with the terms and conditions of his
22 probation. Failure to cooperate shall be considered a violation of probation.

23 **6. Notice to Employers**

24 During the period of probation, respondent shall notify all present and prospective
25 employers of the decision in case number 3338 and the terms, conditions and restrictions imposed
26 on respondent by the decision, as follows:

27 Within thirty (30) days of the effective date of this decision, and within fifteen (15) days of
28 respondent undertaking any new employment, respondent shall cause his direct supervisor,

1 pharmacist-in-charge (including each new pharmacist-in-charge employed during respondent's
2 tenure of employment) and owner to report to the board in writing acknowledging that the listed
3 individual(s) has/have read the decision in case number 3338 and the terms and conditions
4 imposed thereby. It shall be respondent's responsibility to ensure that his employer(s) and/or
5 supervisor(s) submit timely acknowledgement(s) to the board.

6 If respondent works for or is employed by or through a pharmacy employment service,
7 respondent must notify his direct supervisor, pharmacist-in-charge and owner at every pharmacy
8 of the terms and conditions of the decision in case number 3338 in advance of the respondent
9 commencing work at each pharmacy. A record of this notification must be provided to the board
10 upon request.

11 Furthermore, within thirty (30) days of the effective date of this decision, and within fifteen
12 (15) days of respondent undertaking any new employment by or through a pharmacy employment
13 service, respondent shall cause his direct supervisor with the pharmacy employment service to
14 report to the board in writing acknowledging that he has read the decision in case number 3338
15 and the terms and conditions imposed thereby. It shall be respondent's responsibility to ensure
16 that his employer(s) and/or supervisor(s) submit timely acknowledgment(s) to the board.

17 Failure to timely notify present or prospective employer(s) or to cause that/those
18 employer(s) to submit timely acknowledgements to the board shall be considered a violation of
19 probation.

20 "Employment" within the meaning of this provision shall include any full-time,
21 part-time, temporary or relief service or pharmacy management service as a pharmacy
22 technician or in any position for which a pharmacy technician license is a requirement
23 or criterion for employment, whether the respondent is considered an employee,
24 independent contractor or volunteer.

25 **7. Reimbursement of Board Costs**

26 As a condition precedent to successful completion of probation, respondent shall pay to the
27 board its costs of investigation and prosecution in the amount of \$3,486.50. Respondent shall
28 make said payments as follows: Respondent shall pay the sum of \$116.22 each month by the

1 same date as the effective date assigned to the Decision and Order adopting this stipulation for a
2 period of thirty (30) months commencing on the effective date of the Decision and Order. There
3 shall be no deviation from this schedule absent prior written approval by the board or its designee.
4 Failure to pay costs by the deadlines as directed shall be considered a violation of probation.

5 The filing of bankruptcy by respondent shall not relieve respondent of his responsibility to
6 reimburse the board its costs of investigation and prosecution.

7 **8. Probation Monitoring Costs**

8 Respondent shall pay any costs associated with probation monitoring as determined by the
9 board each and every year of probation. Such costs shall be payable to the board on a schedule as
10 directed by the board or its designee. Failure to pay such costs by the deadline(s) as directed shall
11 be considered a violation of probation.

12 **9. Status of License**

13 Respondent shall, at all times while on probation, maintain an active, current pharmacy
14 technician license with the board, including any period during which suspension or probation is
15 tolled. Failure to maintain an active, current license shall be considered a violation of probation.

16 If respondent's pharmacy technician license expires or is cancelled by operation of law or
17 otherwise at any time during the period of probation, including any extensions thereof due to
18 tolling or otherwise, upon renewal or reapplication respondent's license shall be subject to all
19 terms and conditions of this probation not previously satisfied.

20 **10. License Surrender While on Probation/Suspension**

21 Following the effective date of this decision, should respondent cease work due to
22 retirement or health, or be otherwise unable to satisfy the terms and conditions of probation,
23 respondent may tender his pharmacy technician license to the board for surrender. The board or
24 its designee shall have the discretion whether to grant the request for surrender or take any other
25 action it deems appropriate and reasonable. Upon formal acceptance of the surrender of the
26 license, respondent will no longer be subject to the terms and conditions of probation. This
27 surrender constitutes a record of discipline and shall become a part of the respondent's license
28 history with the board.

1 Upon acceptance of the surrender, respondent shall relinquish his pharmacy technician
2 license to the board within ten (10) days of notification by the board that the surrender is
3 accepted. Respondent may not reapply for any license, permit, or registration from the board for
4 three (3) years from the effective date of the surrender. Respondent shall meet all requirements
5 applicable to the license sought as of the date the application for that license is submitted to the
6 board.

7 **11. Notification of a Change in Name, Residence Address, Mailing Address or**
8 **Employment**

9 Respondent shall notify the board in writing within ten (10) days of any change of
10 employment. Said notification shall include the reasons for leaving, the address of the new
11 employer, the name of the supervisor and owner, and the work schedule if known. Respondent
12 shall further notify the board in writing within ten (10) days of a change in name, residence
13 address and mailing address, or phone number.

14 Failure to timely notify the board of any change in employer(s), name(s), address(es), or
15 phone number(s) shall be considered a violation of probation.

16 **12. Tolling of Probation**

17 Except during periods of suspension, respondent shall, at all times while on probation, be
18 employed as a pharmacy technician in California for a minimum of 40 hours per calendar month.
19 Any month during which this minimum is not met shall toll the period of probation, i.e., the
20 period of probation shall be extended by one month for each month during which this minimum is
21 not met. During any such period of tolling of probation, respondent must nonetheless comply
22 with all terms and conditions of probation.

23 Should respondent, regardless of residency, for any reason (including vacation) cease
24 working as a pharmacy technician for a minimum of 40 hours per calendar month in California,
25 respondent must notify the board in writing within ten (10) days of cessation of work and must
26 further notify the board in writing within ten (10) days of the resumption of the work. Any
27 failure to provide such notification(s) shall be considered a violation of probation.

28 It is a violation of probation for respondent's probation to remain tolled pursuant to the

1 provisions of this condition for a total period, counting consecutive and non-consecutive months,
2 exceeding thirty-six (36) months.

3 "Cessation of work" means calendar month during which respondent is not
4 working for at least 40 hours as a pharmacy technician, as defined in Business and
5 Professions Code section 4115. "Resumption of work" means any calendar month
6 during which respondent is working as a pharmacy technician for at least 40 hours as
7 a pharmacy technician as defined by Business and Professions Code section 4115.

8 **13. Violation of Probation**

9 If a respondent has not complied with any term or condition of probation, the board shall
10 have continuing jurisdiction over respondent, and probation shall automatically be extended, until
11 all terms and conditions have been satisfied or the board has taken other action as deemed
12 appropriate to treat the failure to comply as a violation of probation, to terminate probation, and
13 to impose the penalty that was stayed.

14 If respondent violates probation in any respect, the board, after giving respondent notice
15 and an opportunity to be heard, may revoke probation and carry out the disciplinary order that
16 was stayed. Notice and opportunity to be heard are not required for those provisions stating that a
17 violation thereof may lead to automatic termination of the stay and/or revocation of the license. If
18 a petition to revoke probation or an accusation is filed against respondent during probation, the
19 board shall have continuing jurisdiction, and the period of probation shall be automatically
20 extended until the petition to revoke probation or accusation is heard and decided.

21 **14. Completion of Probation**

22 Upon written notice by the board indicating successful completion of probation,
23 respondent's pharmacy technician license will be fully restored.

24 **15. No Ownership of Licensed Premises**

25 Respondent shall not own, have any legal or beneficial interest in, or serve as a manager,
26 administrator, member, officer, director, trustee, associate, or partner of any business, firm,
27 partnership, or corporation currently or hereinafter licensed by the board. Respondent shall sell
28 or transfer any legal or beneficial interest in any entity licensed by the board within ninety (90)

1 days following the effective date of this decision and shall immediately thereafter provide written
2 proof thereof to the board. Failure to timely divest any legal or beneficial interest(s) or provide
3 documentation thereof shall be considered a violation of probation.

4 **16. Attend Substance Abuse Recovery Relapse Prevention and Support Groups**

5 After one confirmed positive drug or alcohol screen, respondent shall begin regular
6 attendance at a recognized and established substance abuse recovery support group in California,
7 (e.g., Alcoholics Anonymous, Narcotics Anonymous, etc.) which has been approved by the board
8 or its designee. Respondent must attend at least one group meeting per week unless otherwise
9 directed by the board or its designee. Respondent shall continue regular attendance and submit
10 signed and dated documentation confirming attendance with each quarterly report for the duration
11 of probation. Failure to attend or submit documentation thereof shall be considered a violation of
12 probation.

13 **17. Random Drug Screening**

14 Respondent, at his own expense, shall participate in random testing, including but not
15 limited to biological fluid testing (urine, blood), breathalyzer, hair follicle testing, or other drug
16 screening program as directed by the board or its designee. Respondent may be required to
17 participate in testing for the entire probation period and the frequency of testing will be
18 determined by the board or its designee. At all times respondent shall fully cooperate with the
19 board or its designee, and shall, when directed, submit to such tests and samples for the detection
20 of alcohol, narcotics, hypnotics, dangerous drugs or other controlled substances as the board or its
21 designee may direct. Failure to timely submit to testing as directed shall be considered a violation
22 of probation. Upon request of the board or its designee, respondent shall provide documentation
23 from a licensed practitioner that the prescription for a detected drug was legitimately issued and is
24 a necessary part of the treatment of the respondent. Failure to timely provide such documentation
25 shall be considered a violation of probation. Any confirmed positive test for alcohol or for any
26 drug not lawfully prescribed by a licensed practitioner as part of a documented medical treatment
27 shall be considered a violation of probation and shall result in the automatic suspension of work
28 by respondent. Respondent may not resume work as a pharmacy technician until notified by the

1 board in writing.

2 During suspension, respondent shall not enter any pharmacy area or any portion of or any
3 other board licensed premises (wholesaler, veterinary food-animal drug retailer or any other
4 distributor of drugs) any drug manufacturer, or any other location where dangerous drugs and
5 devices or controlled substances are maintained. Respondent shall not do any act involving drug
6 selection, selection of stock, manufacturing, compounding or dispensing; nor shall respondent
7 manage, administer, or assist any licensee of the board. Respondent shall not have access to or
8 control the ordering, manufacturing or dispensing of dangerous drugs and devices or controlled
9 substances. Respondent shall not resume work until notified by the board.

10 Respondent shall not direct, control or perform any aspect of the practice of pharmacy.
11 Subject to the above restrictions, respondent may continue to own or hold an interest in any
12 licensed premises in which he holds an interest at the time this decision becomes effective unless
13 otherwise specified in this order.

14 Failure to comply with this suspension shall be considered a violation of probation.

15 **18. Work Site Monitor**

16 Within ten (10) days of the effective date of this decision, respondent shall identify a work
17 site monitor, for prior approval by the board, who shall be responsible for supervising respondent
18 during working hours. Respondent shall be responsible for ensuring that the work site monitor
19 reports in writing to the board quarterly. Should the designated work site monitor determine at
20 any time during the probationary period that respondent has not maintained sobriety, he shall
21 notify the board immediately, either orally or in writing as directed. Should respondent change
22 employment, a new work site monitor must be designated, for prior approval by the board, within
23 ten (10) days of commencing new employment. Failure to identify an acceptable initial or
24 replacement work site monitor, or to ensure quarterly reports are submitted to the board, shall be
25 considered a violation of probation.

26 **19. Notification of Departure**

27 Prior to leaving the probationary geographic area designated by the board or its designee for
28 a period greater than twenty-four (24) hours, respondent shall notify the board verbally and in

1 writing of the dates of departure and return. Failure to comply with this provision shall be
2 considered a violation of probation.

3 **20. Abstain from Drugs and Alcohol Use**

4 Respondent shall completely abstain from the possession or use of alcohol, controlled
5 substances, dangerous drugs and their associated paraphernalia except when the drugs are
6 lawfully prescribed by a licensed practitioner as part of a documented medical treatment. Upon
7 request of the board or its designee, respondent shall provide documentation from the licensed
8 practitioner that the prescription for the drug was legitimately issued and is a necessary part of the
9 treatment of the respondent. Failure to timely provide such documentation shall be considered a
10 violation of probation. Respondent shall ensure that he is not in the same physical location as
11 individuals who are using illicit substances even if respondent is not personally ingesting the
12 drugs. Any possession or use of alcohol, controlled substances, or their associated paraphernalia
13 not supported by the documentation timely provided, and/or any physical proximity to persons
14 using illicit substances, shall be considered a violation of probation.

15 **ACCEPTANCE**

16 I have carefully read the Stipulated Settlement and Disciplinary Order. I understand the
17 stipulation and the effect it will have on my Pharmacy Technician Registration. I enter into this
18 Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree
19 to be bound by the Decision and Order of the Board of Pharmacy.

20
21 DATED: 4-23-10



22 STEVEN RAYOS
23 Respondent
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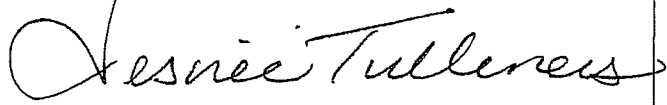
ENDORSEMENT

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

Dated: June 23, 2010

Respectfully Submitted,

EDMUND G. BROWN JR.
Attorney General of California
GREGORY J. SALUTE
Supervising Deputy Attorney General



DESIREE TULLENERS
Deputy Attorney General
Attorneys for Complainant

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LA2009602882

Exhibit A

Accusation No. 3338

1 EDMUND G. BROWN JR., Attorney General
of the State of California
2 GREGORY J. SALUTE
Supervising Deputy Attorney General
3 DESIREE TULLENERS, State Bar No. 157464
Deputy Attorney General
4 California Department of Justice
300 So. Spring Street, Suite 1702
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Telephone: (213) 897-2578
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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. 3338

13 **STEVEN RAYOS**
15617 Stevens Avenue
Bellflower, CA 90706

ACCUSATION

14 Pharmacy Technician Registration
No. TCH 40025

15 Respondent.

16
17 Complainant alleges:

18 **PARTIES**

19 1. Virginia Herold (Complainant) brings this Accusation solely in her official
20 capacity as the Executive Officer of the Board of Pharmacy (Board), Department of Consumer
21 Affairs.

22 2. On or about November 7, 2001, the Board issued Pharmacy Technician
23 Registration No. TCH 40025 to Steven Rayos (Respondent). The Pharmacy Technician
24 Registration will expire on May 31, 2011, unless renewed.

25 **JURISDICTION**

26 3. This Accusation is brought before the Board, under the authority of the
27 following laws. All section references are to the Business and Professions Code unless otherwise
28 indicated.

1 4. Business and Professions Code section 118, subdivision (b) provides that
2 the suspension, expiration, or forfeiture by operation of law of a license does not deprive the
3 Board of authority or jurisdiction to institute or continue with disciplinary action against the
4 license or to order suspension or revocation of the license, during the period within which the
5 certificate may be renewed, restored, reissued or reinstated.

6 5. Section 490 states, in pertinent part:

7 "(a) In addition to any other action that a board is permitted to take against a
8 licensee, a board may suspend or revoke a license on the ground that the licensee has been
9 convicted of a crime, if the crime is substantially related to the qualifications, functions, or duties
10 of the business or profession for which the license was issued.

11 (b) Notwithstanding any other provision of law, a board may exercise any
12 authority to discipline a licensee for conviction of a crime that is independent of the authority
13 granted under subdivision (a) only if the crime is substantially related to the qualifications,
14 functions, or duties of the business or profession for which the licensee's license was issued.

15 (c) A conviction within the meaning of this section means a plea or verdict of
16 guilty or a conviction following a plea of nolo contendere. Any action that a board is permitted to
17 take following the establishment of a conviction may be taken when the time for appeal has
18 elapsed, or the judgment of conviction has been affirmed on appeal, or when an order granting
19 probation is made suspending the imposition of sentence, irrespective of a subsequent order
20 under the provisions of Section 1203.4 of the Penal Code."

21 6. Section 4060 states, in pertinent part:

22 "No person shall possess any controlled substance, except that furnished to a
23 person upon the prescription of a physician, dentist, podiatrist, optometrist, veterinarian, or
24 naturopathic doctor pursuant to Section 3640.7, or furnished pursuant to a drug order issued by a
25 certified nurse midwife pursuant to Section 2746.51, a nurse practitioner pursuant to Section
26 2836.1, or a physician assistant pursuant to Section 3502.1, or naturopathic doctor pursuant to
27 Section 3640.5, or a pharmacist pursuant to either subparagraph (D) of paragraph (4) of, or clause
28 (iv) of subparagraph (A) of paragraph (5) of, subdivision (a) of Section 4052."

1 7. Section 4300 of the Code provides, in pertinent part, that every license
2 issued by the Board is subject to discipline, including suspension or revocation.

3 8. Section 4301 of the Code states:

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

8

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

11

12 (l) The conviction of a crime substantially related to the qualifications, functions,
13 and duties of a licensee under this chapter. The record of conviction of a violation of Chapter 13
14 (commencing with Section 801) of Title 21 of the United States Code regulating controlled
15 substances or of a violation of the statutes of this state regulating controlled substances or
16 dangerous drugs shall be conclusive evidence of unprofessional conduct. In all other cases, the
17 record of conviction shall be conclusive evidence only of the fact that the conviction occurred.
18 The board may inquire into the circumstances surrounding the commission of the crime, in order
19 to fix the degree of discipline or, in the case of a conviction not involving controlled substances
20 or dangerous drugs, to determine if the conviction is of an offense substantially related to the
21 qualifications, functions, and duties of a licensee under this chapter. A plea or verdict of guilty
22 or a conviction following a plea of nolo contendere is deemed to be a conviction within the
23 meaning of this provision. The board may take action when the time for appeal has elapsed, or
24 the judgment of conviction has been affirmed on appeal or when an order granting probation is
25 made suspending the imposition of sentence, irrespective of a subsequent order under Section
26 1203.4 of the Penal Code allowing the person to withdraw his or her plea of guilty and to enter a
27 plea of not guilty, or setting aside the verdict of guilty, or dismissing the accusation, information,
28 or indictment."

1 9. Health and Safety Code section 11377, subdivision (a) states:
2 "Except as authorized by law and as otherwise provided in subdivision (b) or
3 Section 11375, or in Article 7 (commencing with Section 4211) of Chapter 9 of Division 2 of the
4 Business and Professions Code, every person who possesses any controlled substance which is
5 (1) classified in Schedule III, IV, or V, and which is not a narcotic drug, (2) specified in
6 subdivision (d) of Section 11054, except paragraphs (13), (14), (15), and (20) of subdivision (d),
7 (3) specified in paragraph (11) of subdivision (c) of Section 11056, (4) specified in paragraph (2)
8 or (3) of subdivision (f) of Section 11054, or (5) specified in subdivision (d), (e), or (f) of Section
9 11055, unless upon the prescription of a physician, dentist, podiatrist, or veterinarian, licensed to
10 practice in this state, shall be punished by imprisonment in a county jail for a period of not more
11 than one year or in the state prison."

12 10. Vehicle Code section 23152, subdivision (b) states:
13 "It is unlawful for any person who has 0.08 percent or more, by weight, of alcohol
14 in his or her blood to drive a vehicle."

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

19 12. Penal Code section 487 states:
20 "Grand theft is theft committed in any of the following cases: (a) When the
21 money, labor, or real or personal property taken is of a value exceeding four hundred dollars
22 (\$400), except as provided in subdivision (b). "

23 13. California Code of Regulations, title 16, section 1770, states, in pertinent
24 part: "For the purpose of denial, suspension, or revocation of a personal or facility license
25 pursuant to Division 1.5 (commencing with Section 475) of the Business and Professions Code, a
26 crime or act shall be considered substantially related to the qualifications, functions or duties of a
27 licensee or registrant if to a substantial degree it evidences present or potential unfitness of a
28 licensee or registrant to perform the functions authorized by his license or registration in a

1 manner consistent with the public health, safety, or welfare."

2 14. CONTROLLED SUBSTANCES

3 A. "Cannabis" [generic name Marijuana] is a Schedule I (d)(13) controlled
4 substance as defined by Health and Safety Code section 11054 and is categorized as a "dangerous
5 drug" pursuant to section 4022 of the Business and Professions Code.

6 B. "Amphetamines" [generic name Methamphetamine] is a Schedule II
7 controlled substance as defined by Health and Safety Code section 11055(d)(2) and is
8 categorized as a "dangerous drug" pursuant to section 4022 of the Business and Professions
9 Code.

10 FIRST CAUSE FOR DISCIPLINE

11 *(Conviction of Substantially Related Crime)*

12 15. Respondent is subject to disciplinary action under sections 4301,
13 subdivision (l), and 490 of the Code, in conjunction with California Code of Regulations, title
14 16, section 1770, in that, Respondent was convicted of a crime which is substantially related to
15 the qualifications, functions or duties of a pharmacy technician, as follows:

16 16. On or about November 9, 2006, Respondent was convicted following his
17 plea of nolo contendere to one count of violating Vehicle Code section 14601.1(a) [driving with
18 a suspended license] in the case entitled *The People of the State of California v. Steven Rayos*
19 (Super Ct. Los Angeles county, 2006, No. 6P02857), a misdemeanor. Respondent was placed on
20 probation for a period of 36 months and ordered to pay a penalties, fines assessments and
21 restitution in the amount of \$1,151.

22 17. The circumstances surrounding the conviction are that on or about
23 February 24, 2006, in the County of Los Angeles, Respondent drove a motor vehicle at a time
24 when his driving privilege was suspended or revoked.

25 SECOND CAUSE FOR DISCIPLINE

26 *(Unprofessional Conduct - Possession of a Controlled Substance - Marijuana)*

27 18. Respondent is subject to disciplinary action under sections 4300 and 4301,
28 subdivision (j) and 4060, in that, on or about May 7, 2008, while driving a motor vehicle in the

1 County of Los Angeles, Respondent was found to be unlawfully in possession of a controlled
2 substance, marijuana, in violation of Vehicle Code section 23222(b).

3 THIRD CAUSE FOR DISCIPLINE

4 *(Unprofessional Conduct - Possession of a Controlled Substance - Methamphetamine)*

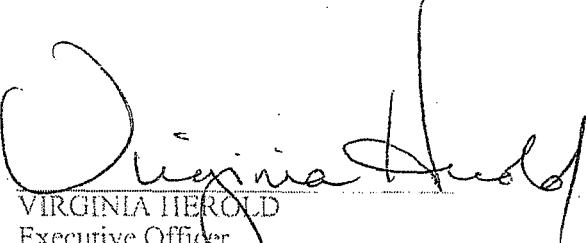
5 19. Respondent is subject to disciplinary action under sections 4300 and 4301,
6 subdivision (j) and 4060. in that, on or about August 1, 2006, in the County of Los Angeles,
7 Respondent was found to be unlawfully in possession of a controlled substance.
8 methamphetamine, in violation of Health and Safety Code section 11377(a).

9 PRAYER

10 *WHEREFORE*, Complainant requests that a hearing be hold on the matters
11 herein alleged, and that following the hearing, the Board issue a decision:

- 12 1. Revoking or suspending Pharmacy Technician Registration Number
13 TCH 40025 issued to Steven Rayos; .
- 14 2. Ordering Steven Rayos to pay the Board the reasonable costs of the
15 investigation and enforcement of this case, pursuant to Business and Professions Code section
16 125.3; and
- 17 3. Taking such other and further action as deemed necessary and proper.

18 DATED: 11/5/09

19
20 
21 VIRGINIA HEROLD
22 Executive Officer
23 Board of Pharmacy
24 State of California
25 Complainant
26
27
28