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

In the Matter of the Accusation Against:

Case No. 3444

**ANDRE GABRIEL SERHAL  
1109 Briarcliff Road  
Monrovia, CA 91016  
Pharmacy Technician Registration No. TCH  
73079**

**DEFAULT DECISION AND ORDER**

[Gov. Code, §11520]

Respondent.

FINDINGS OF FACT

1. On or about July 2, 2010, Complainant Virginia Herold, in her official capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs, filed Accusation No. 3444 against Andre Gabriel Serhal (Respondent) before the Board of Pharmacy. (Accusation attached as Exhibit A.)

2. On or about September 17, 2007, the Board of Pharmacy (Board) issued Pharmacy Technician Registration No. TCH 73079 to Respondent. The Pharmacy Technician Registration was in full force and effect at all times relevant to the charges brought in Accusation No. 3444 and was cancelled. The cancellation of a license, however, pursuant to Business and Professions Code section 118(b) does not deprive the Board of its authority to institute or continue this disciplinary proceeding.

1           3.     On or about July 20, 2010, Respondent was served by Certified and First Class Mail  
2 copies of the Accusation No. 3444, Statement to Respondent, Notice of Defense, Request for  
3 Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6, and 11507.7) at  
4 Respondent's address of record which, pursuant to Business and Professions Code section 4100,  
5 is required to be reported and maintained with the Board, which was and is: 1109 Briarcliff Road  
6 Monrovia, CA 91016.

7           4.     Service of the Accusation was effective as a matter of law under the provisions of  
8 Government Code section 11505, subdivision (c) and/or Business & Professions Code section  
9 124. On or about July 27, 2010, Respondent signed and returned a Domestic Return Receipt  
10 indicating receipt of the Accusation, and related service materials.

11           5.     Government Code section 11506 states, in pertinent part:

12                   (c) The respondent shall be entitled to a hearing on the merits if the respondent  
13 files a notice of defense, and the notice shall be deemed a specific denial of all parts  
14 of the accusation not expressly admitted. Failure to file a notice of defense shall  
15 constitute a waiver of respondent's right to a hearing, but the agency in its discretion  
16 may nevertheless grant a hearing.

17           6.     Respondent failed to file a Notice of Defense within 15 days after service upon him  
18 of the Accusation, and therefore waived his right to a hearing on the merits of Accusation No.  
19 3444.

20           7.     California Government Code section 11520 states, in pertinent part:

21                   (a) If the respondent either fails to file a notice of defense or to appear at the  
22 hearing, the agency may take action based upon the respondent's express admissions  
23 or upon other evidence and affidavits may be used as evidence without any notice to  
24 respondent.

25           8.     Pursuant to its authority under Government Code section 11520, the Board finds  
26 Respondent is in default. The Board will take action without further hearing and, based on the  
27 relevant evidence contained in the Default Decision Evidence Packet in this matter, as well as  
28 taking official notice of all the investigatory reports, exhibits and statements contained therein on  
file at the Board's offices regarding the allegations contained in Accusation No. 3444, finds that  
the charges and allegations in Accusation No. 3444, are separately and severally, found to be true  
and correct by clear and convincing evidence.



1 Respondent committed acts involving moral turpitude, dishonesty, fraud, deceit and / or  
2 corruption as described in paragraphs 3 a-c above.

3 e. Respondent is further subject to disciplinary action under Business and Professions  
4 Code sections 4300 and 4301, subdivision (o), on the grounds of unprofessional conduct, in that  
5 Respondent violated provisions of the Pharmacy Law as as described in paragraphs 3 a-c above.

6 f. As aggravation and for purposes of determining the degree of discipline, Respondent  
7 was convicted of violating Penal Code section 242 (battery), a misdemeanor, on or about  
8 June 23, 2004, in a prior criminal proceeding entitled *The People of the State of California v.*  
9 *Andre Gabriel Serhal* (Super. Ct. Los Angeles County, No. 4AL02884).

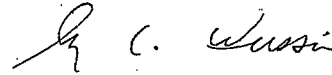
10 ORDER

11 IT IS SO ORDERED that Pharmacy Technician Registration No. TCH 73079, heretofore  
12 issued to Respondent Andre Gabriel Serhal, is revoked.

13 Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a  
14 written motion requesting that the Decision be vacated and stating the grounds relied on within  
15 seven (7) days after service of the Decision on Respondent. The agency in its discretion may  
16 vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.  
17 This decision shall become effective on April 23, 2012.

18 It is so ORDERED on March 23, 2012.

19 BOARD OF PHARMACY  
20 DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

21 

22 By

23 STANLEY C. WEISSER

24 Board President

25 50989970.DOC  
26 DOJ Matter ID:LA2009603998

27 Attachment:  
28 Exhibit A: Accusation

# Exhibit A

Accusation

1 EDMUND G. BROWN JR.  
Attorney General of California  
2 MARC D. GREENBAUM  
Supervising Deputy Attorney General  
3 MICHAEL A. CACCIOTTI  
Deputy Attorney General  
4 State Bar No. 129533  
300 So. Spring Street, Suite 1702  
5 Los Angeles, CA 90013  
Telephone: (213) 897-2932  
6 Facsimile: (213) 897-2804  
*Attorneys for Complainant*  
7

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

11 In the Matter of the Accusation Against:

Case No. 3444

12 **ANDRE GABRIEL SERHAL**  
1109 Briarcliff Road  
13 Monrovia, CA 91016  
Pharmacy Technician Registration No. TCH 73079  
14

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

15 Respondent.

16  
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 September 17, 2007, the Board issued Pharmacy Technician Registration  
23 No. TCH 73079 to Andre Gabriel Serhal (Respondent). The Pharmacy Technician Registration  
24 was in full force and effect at all times relevant to the charges brought herein and will expire on  
25 May 31, 2011, unless renewed.

26 **JURISDICTION**

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









1 and, the previous evening, purchasing \$500 worth of marijuana. Scrapings from one of the digital  
2 scales tested positive for cocaine.

3 **SECOND CAUSE FOR DISCIPLINE**

4 **(Felony Drug Conviction)**

5 15. Respondent is subject to disciplinary action under sections 4300 and 4301,  
6 subdivision (k), on the grounds of unprofessional conduct, in that on or about April 9, 2009,  
7 Respondent was convicted of a felony involving marijuana, a dangerous drug. Complainant  
8 refers to and by this reference incorporates the allegations set forth above in paragraph 15,  
9 subdivision a and b, inclusive, as though set forth fully.

10 **THIRD CAUSE FOR DISCIPLINE**

11 **(Illegal Possession of Controlled Substances)**

12 16. Respondent is subject to disciplinary action under sections 4300 and 4301,  
13 subdivision (j), on the grounds of unprofessional conduct in conjunction with section 4060, in that  
14 on or about December 16, 2008, Respondent was in possession of controlled substances without  
15 valid prescriptions. Complainant refers to and by this reference incorporates the allegations set  
16 forth above in paragraphs 15 - 16, inclusive, as though set forth fully.

17 **FOURTH CAUSE FOR DISCIPLINE**

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

19 17. Respondent is subject to disciplinary action under sections 4300 and 4301,  
20 subdivision (f), on the grounds of unprofessional conduct, in that Respondent committed acts  
21 involving moral turpitude, dishonesty, fraud, deceit and / or corruption. Complainant refers to  
22 and by this reference incorporates the allegations set forth above in paragraphs 15 - 17, inclusive,  
23 as though set forth fully.

24 **FIFTH CAUSE FOR DISCIPLINE**

25 **(Violating Provisions of the Pharmacy Law)**

26 18. Respondent is subject to disciplinary action under sections 4300 and 4301,  
27 subdivision (o), on the grounds of unprofessional conduct, in that Respondent violated provisions  
28 of the Pharmacy Law. Complainant refers to and by this reference incorporates the allegations set

1 forth above in paragraphs 15 - 18, inclusive, as though set forth fully.

2 **DISCIPLINE CONSIDERATIONS**

3 19. To determine the degree of discipline, Complainant alleges that on or about  
4 June 23, 2004, in a prior criminal proceeding entitled *The People of the State of California v.*  
5 *Andre Gabriel Serhal* (Super. Ct. Los Angeles County, No. 4AL02884) Respondent was  
6 convicted of violating Penal Code section 242 (battery), a misdemeanor. The Court placed  
7 Respondent on three (3) years probation, ordered him to perform ten (10) days of Cal Trans duty,  
8 and ordered him to perform ten (10) days graffiti removal.

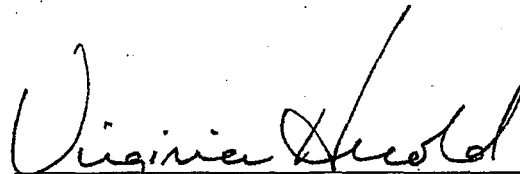
9 **PRAYER**

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

- 12 1. Revoking or suspending Pharmacy Technician Registration No. TCH 73079, issued  
13 to Respondent;
- 14 2. Ordering Respondent to pay the Board the reasonable costs of the investigation and  
15 enforcement of this case, pursuant to section 125.3; and
- 16 3. Taking such other and further action as deemed necessary and proper.
- 17
- 18

19 DATED: \_\_\_\_\_

7/2/10



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

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