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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. 3494

OAH No. L-2010080344

**ERROL R. GERALDE**  
**16027 E. Ranch Lane**  
**La Mirada, CA 90638**  
**Pharmacy Technician Registration No. TCH**  
**68671**

**DEFAULT DECISION AND ORDER**

[Gov. Code, §11520]

Respondent.

FINDINGS OF FACT

1. On or about June 10, 2010, Complainant Virginia Herold, in her official capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs, filed Accusation No. 3494 against Errol R. Geralde (Respondent) before the Board of Pharmacy. (Accusation attached as Exhibit A.)

2. On or about April 18, 2006, the Board of Pharmacy (Board) issued Pharmacy Technician Registration No: TCH 68671 to Respondent. The Pharmacy Technician Registration was in full force and effect at all times relevant to the charges brought herein and will expire on February 29, 2012, unless renewed.

3. On or about June 17, 2010, Respondent was served by Certified and First Class Mail copies of the Accusation No. 3494, Statement to Respondent, Notice of Defense, Request for Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6, and 11507.7) at

1 Respondent's address of record which, pursuant to Business and Professions Code section 136  
2 and/or agency specific statute or regulation, is required to be reported and maintained with the  
3 Board, which was and is: 16027 E. Ranch Lane, La Mirada, CA 90638.

4 4. Service of the Accusation was effective as a matter of law under the provisions of  
5 Government Code section 11505, subdivision (c) and/or Business & Professions Code section  
6 124.

7 5. On or about June 30, 2010, Respondent signed and returned a Notice of Defense,  
8 requesting a hearing in this matter. A Notice of Hearing was served by mail at Respondent's  
9 address of record and it informed him that an administrative hearing in this matter was scheduled  
10 for December 27, 2010. Respondent failed to appear at that hearing.

11 6. 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 7. California Government Code section 11520 states, in pertinent part:

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

22 8. Pursuant to its authority under Government Code section 11520, the Board finds  
23 Respondent is in default. The Board will take action without further hearing and, based on the  
24 relevant evidence contained in the Default Decision Investigatory Evidence Packet in this matter,  
25 as well as taking official notice of all the investigatory reports, exhibits and statements contained  
26 therein on file at the Board's offices regarding the allegations contained in Accusation No. 3494,  
27 finds that the charges and allegations in Accusation No. 3494, are separately and severally true  
28 and correct by clear and convincing evidence.

9. Taking official notice of its own internal records, pursuant to Business and  
Professions Code section 125.3, it is hereby determined that the reasonable costs for Investigation  
and Enforcement is \$3,639.00 as of December 20, 2010.

DETERMINATION OF ISSUES

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2       1.     Based on the foregoing findings of fact, Respondent Errol R. Geralde has subjected  
3 his Pharmacy Technician Registration No. TCH 68671 to discipline.

4       2.     The agency has jurisdiction to adjudicate this case by default.

5       3.     The Board of Pharmacy is authorized to revoke Respondent's Pharmacy Technician  
6 Registration based upon the following violations alleged in the Accusation which are supported  
7 by the evidence contained in the Default Decision Investigatory Evidence Packet in this case.:

8       a.     Violation of Code sections 490, 4300, 4301, subdivision (l), on the grounds of  
9 unprofessional conduct in conjunction with California Code of Regulations, title 16, section 1770,  
10 in that on or about October 30, 2006, Respondent was convicted of a crime substantially related  
11 to the qualifications, functions or duties of a registered pharmacy technician.

12       b.     Violation of Code sections 4300 and 4301, subdivision (k), on the grounds of  
13 unprofessional conduct, in that Respondent was convicted of misdemeanors and felonies drugs  
14 and alcohol.

15       c.     Violation of Code sections 4300 and 4301, subdivision (h), on the grounds of  
16 unprofessional conduct, in that Respondent used alcohol/drugs to the extent or in a manner as to  
17 be dangerous or injurious to himself or others.

18       d.     Violation of Code sections 4300 and 4301, subdivision (j), on the grounds of  
19 unprofessional conduct in conjunction with section 4060, in that Respondent illegally possessed a  
20 controlled substance.

21       e.     Violation of Code sections 4300 and 4301, subdivision (f), on the grounds of  
22 unprofessional conduct, in that Respondent committed acts involving moral turpitude, dishonesty,  
23 fraud, deceit and / or corruption.

24       f.     Violation of Code sections 4300 and 4301, subdivision (o), in that Respondent  
25 committed acts constituting unprofessional conduct.

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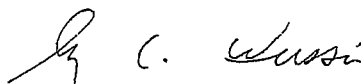
ORDER

IT IS SO ORDERED that Pharmacy Technician Registration No. TCH 68671, heretofore issued to Respondent Errol R. Geralde, is revoked.

Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a written motion requesting that the Decision be vacated and stating the grounds relied on within seven (7) days after service of the Decision on Respondent. The agency in its discretion may vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

This Decision shall become effective on May 11, 2011.

It is so ORDERED April 11, 2011.



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STANLEY C. WEISSER, BOARD PRESIDENT  
FOR THE BOARD OF PHARMACY  
DEPARTMENT OF CONSUMER AFFAIRS

default decision\_LIC.rtf  
DOJ Matter ID: LA2009604488

Attachment:  
Exhibit A: Accusation

# Exhibit A

Accusation

1 EDMUND G. BROWN JR.  
Attorney General of California  
2 MARC D. GREENBAUM  
Supervising Deputy Attorney General  
3 MICHELLE MCCARRON  
Deputy Attorney General  
4 State Bar No. 237031  
300 So. Spring Street, Suite 1702  
5 Los Angeles, CA 90013  
Telephone: (213) 897-2544  
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. 3494

12 **ERROL R. GERALDE**  
16027 E. Ranch Lane  
13 La Mirada, CA 90638

**ACCUSATION**

14 Pharmacy Technician Registration No. TCH 68671

15 Respondent.

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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 April 18, 2006, the Board issued Pharmacy Technician Registration No.  
23 TCH 68671 to Errol R. Geralde (Respondent). The Pharmacy Technician Registration was in full  
24 force and effect at all times relevant to the charges brought herein and will expire on February 29,  
25 2012, 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 FIRST CAUSE FOR DISCIPLINE

2 (Convictions of Substantially Related Crimes)

3 12. Respondent is subject to disciplinary action pursuant to Code sections 490, 4300,  
4 4301, subdivision (I), on the grounds of unprofessional conduct in conjunction with California  
5 Code of Regulations, title 16, section 1770, in that on or about October 30, 2006, Respondent was  
6 convicted of a crime substantially related to the qualifications, functions or duties of a registered  
7 pharmacy technician which to a substantial degree evidence his present or potential unfitness to  
8 perform the functions authorized by his registration in a manner consistent with the public health,  
9 safety, or welfare, as follows:

10 a. On or about October 30, 2006, after pleading guilty, in the criminal proceeding  
11 entitled *The People of the State of California v Errol Ramos Geralde* (Super. Ct. Orange County,  
12 2006, No. 06WF3194), Respondent was convicted of two (2) felonies: violating Health and  
13 Safety code 11370.1 [possession of a controlled substance with firearm]; and Health and Safety  
14 Code 11377(a) [possession of a controlled substance, to wit, methamphetamine]. In conjunction  
15 with the felony convictions, Respondent was also convicted of three (3) misdemeanors: violating  
16 Penal Code sections 12025(a)(1)/(b)(6) [having a concealed firearm in vehicle]; Vehicle Code  
17 section 23152(a) [driving under the influence of alcohol/drugs]; and violating Vehicle Code  
18 section 23152(b) [driving with blood alcohol 0.08% or more]. The Court sentenced Respondent  
19 to 120 days in jail, placed him on three (3) years probation, ordered him to register as a narcotics  
20 offender and submit to DNA testing, ordered him to complete a three (3) month First Offender  
21 Alcohol Program and ordered him to seek training, schooling or employment and maintain a  
22 residence.

23 b. The circumstances underlying the five (5) convictions are that on or about  
24 October 21, 2006, Respondent was involved in a single vehicle non-injury traffic collision.  
25 Respondent was driving while under the influence of alcohol and had BAC consecutive test  
26 results of 0.106, 0.115 and 0.09. Respondent was found in possession of methamphetamine and a  
27 loaded hand gun.

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1 SECOND CAUSE FOR DISCIPLINE

2 (Drug/Alcohol Related Convictions)

3 13. Respondent is subject to disciplinary action pursuant to Code sections 4300 and 4301,  
4 subdivision (k), on the grounds of unprofessional conduct, in that on or about October 30, 2006,  
5 Respondent was convicted of misdemeanors and felonies involving methamphetamine and  
6 alcohol, their use, consumption or self-administration. Complainant refers to, and by this  
7 reference incorporates, the allegations set forth above in paragraph 12, subparagraphs (a) and (b),  
8 as though set forth fully.

9 THIRD CAUSE FOR DISCIPLINE

10 (Dangerous Use of Alcohol/Drugs)

11 14. Respondent is subject to disciplinary action pursuant to Code sections 4300 and 4301,  
12 subdivision (h), on the grounds of unprofessional conduct, in that Respondent used alcohol/drugs  
13 to the extent or in a manner as to be dangerous or injurious to himself or others and / or to the  
14 extent that his use impairs his ability to conduct with safety to the public the practice authorized  
15 by his license. Complainant refers to, and by this reference incorporates, the allegations set forth  
16 above in paragraphs 12 and 13 inclusive, as though set forth fully.

17 FOURTH CAUSE FOR DISCIPLINE

18 (Illegal Possession of Controlled Substances)

19 15. Respondent is subject to disciplinary action pursuant to Code sections 4300 and 4301,  
20 subdivision (j), on the grounds of unprofessional conduct in conjunction with section 4060, in that  
21 on or about October 21, 2006, Respondent was in possession of a controlled substances without a  
22 valid prescription. Complainant refers to, and by this reference incorporates, the allegations set  
23 forth above in paragraphs 12 through 14, inclusive, as though set forth fully.

24 FIFTH CAUSE FOR DISCIPLINE

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

26 16. Respondent is subject to disciplinary action pursuant to Code sections 4300 and 4301,  
27 subdivision (f), on the grounds of unprofessional conduct, in that Respondent committed acts  
28 involving moral turpitude, dishonesty, fraud, deceit and / or corruption. Complainant refers to,

1 and by this reference incorporates, the allegations set forth above in paragraphs 12 through 15,  
2 inclusive, as though set forth fully.

3 SIXTH CAUSE FOR DISCIPLINE

4 (Unprofessional Conduct/Violating Pharmacy Law)

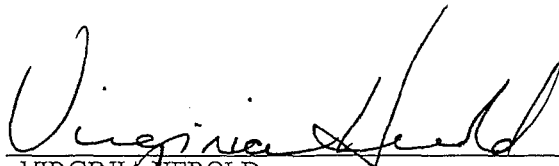
5 17. Respondent is subject to disciplinary action pursuant to Code sections 4300 and 4301,  
6 subdivision (o), in that Respondent committed acts constituting unprofessional conduct.  
7 Complainant refers to, and by this reference incorporates, the allegations set forth above in  
8 paragraphs 12 through 16, inclusive, as though set forth fully.

9  
10 PRAYER

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

- 13 1. Revoking or suspending Pharmacy Technician Registration No. TCH 68671, issued  
14 to Respondent;
- 15 2. Ordering Respondent to pay the Board the reasonable costs of the investigation and  
16 enforcement of this case, pursuant to section 125.3; and
- 17 3. Taking such other and further action as deemed necessary and proper.

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19  
20 DATED: 6/10/10

  
21 VIRGINIA HEROLD  
22 Executive Officer  
23 Board of Pharmacy  
24 Department of Consumer Affairs  
25 State of California  
26 Complainant

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