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

10 In the Matter of the Accusation Against:

Case No. 3499

11 **AIMEE CHRISTINE RIASKI**
12 **2564 Glenview Drive**
13 **Hollister, CA 95023**
14 **Pharmacy Technician Registration No. TCH**
15 **41180**

DEFAULT DECISION AND ORDER

[Gov. Code, §11520]

Respondents.

16 FINDINGS OF FACT

17 1. On or about December 8, 2009, Complainant Virginia Herold, in her official capacity
18 as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs, filed
19 Accusation No. 3499 against Aimee Christine Riaski (Respondent) before the Board of
20 Pharmacy.

21 2. On or about January 2, 2004, the Board of Pharmacy (Board) issued Pharmacy
22 Technician Registration No. TCH 41180 to Respondent. The Pharmacy Technician Registration
23 was in full force and effect at all times relevant to the charges brought herein and will expire on
24 August 31, 2011, unless renewed.

25 3. On or about December 16, 2009, Anh Ho, an employee of the Department of Justice,
26 served by Certified and First Class Mail a copy of the Accusation No. 3499, Statement to
27 Respondent, Request for Discovery, Notice of Defense, and Disciplinary Statutes to Respondent's
28 address of record with the Board, which was and is:

1 2564 Glenview Drive
Hollister, CA 95023.

2 A copy of the Accusation is attached as exhibit A, and is incorporated herein by reference.

3 4. Service of the Accusation was effective as a matter of law under the provisions of
4 Government Code section 11505, subdivision (c).

5 5. On or about December 18, 2009, the aforementioned documents were confirmed as
6 received by return of the U.S. Postal Service Domestic Return Receipt.

7 6. Government Code section 11506 states, in pertinent part:

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

13 7. Respondent failed to file a Notice of Defense within 15 days after service upon her of
14 the Accusation, and therefore waived her right to a hearing on the merits of Accusation No. 3499.

15 8. California Government Code section 11520 states, in pertinent part:

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

20 9. Pursuant to its authority under Government Code section 11520, the Board finds
21 Respondent is in default. The Board will take action without further hearing and, based on the
22 evidence on file herein, finds that the allegations in Accusation No. 3499 are true.

23 10. The total cost for investigation and enforcement in connection with the Accusation
24 are \$4,377.50 as of January 5, 2010.

25 DETERMINATION OF ISSUES

26 1. Based on the foregoing findings of fact, Respondent Aimee Christine Riaski has
27 subjected her Pharmacy Technician Registration No. TCH 41180 to discipline.

28 2. A copy of the Accusation is attached.

3. The agency has jurisdiction to adjudicate this case by default.

4. The Board of Pharmacy is authorized to revoke Respondent's Pharmacy Technician
Registration based upon the following violations alleged in the Accusation:

1 a. Unlawful Possession of Controlled Substances (Business and Professions Code
2 sections 4060, 4301(j), 4301(o), and/or 4059(a));

3 b. Acts of Moral Turpitude, Dishonesty, Fraud, Deceit, Corruption (Business and
4 Professions Code section 4301(f)); and

5 c. Controlled Substances/Dangerous Drug Violations (Business and Professions Code
6 section 4301(j)).

7 ORDER

8 IT IS SO ORDERED that Pharmacy Technician Registration No. TCH 41180, heretofore
9 issued to Respondent Aimee Christine Riaski, is revoked.

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

14 This decision shall become effective on April 29, 2010.

15 It is so ORDERED on March 30, 2010.

16 

17 KENNETH H. SCHELL, BOARD PRESIDENT
18 FOR THE BOARD OF PHARMACY
19 DEPARTMENT OF CONSUMER AFFAIRS

20 DOJ docket number:SF2009404536

21 Attachment:

22 Exhibit A: Accusation No.3499
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Exhibit A
Accusation No. 3499

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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. 3499

12 **AIMEE RIASKI**
13 **2564 Glenview Drive**
Hollister, CA 95023

ACCUSATION

14 **Pharmacy Technician License No. TCH 41180**

15 Respondent.

16
17 Complainant alleges:

18 PARTIES

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

21 2. On or about January 2, 2004, the Board of Pharmacy issued Pharmacist Technician
22 License Number TCH 41180 to Aimee Riaski (Respondent Riaski). The Pharmacist Technician
23 License was in full force and effect at all times relevant to the charges brought herein and will
24 expire on August 31, 2011, unless renewed.

25 JURISDICTION

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

1 4. Section 4300(a) of the Code provides that every license issued by the Board may be
2 suspended or revoked.

3 5. Section 4301 of the Code states:

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

7 ...

8 “(f) The commission of any act involving moral turpitude, dishonesty, fraud, deceit, or
9 corruption, whether the act is committed in the course of relations as a licensee or otherwise, and
10 whether the act is a felony or misdemeanor or not.

11 ...

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

14 ...

15 “(o) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the
16 violation of or conspiring to violate any provision or term of this chapter or of the applicable
17 federal and state laws and regulations governing pharmacy, including regulations established by
18 the board or by any other state or federal regulatory agency.”

19 ...

20 6. Section 4059 of the Code states, in pertinent part:

21 “(a) A person may not furnish any dangerous drug, except upon the prescription of a
22 physician, dentist, podiatrist, optometrist, veterinarian, or naturopathic doctor pursuant to Section
23 3640.7. A person may not furnish any dangerous device, except upon the prescription of a
24 physician, dentist, podiatrist, optometrist, veterinarian, or naturopathic doctor pursuant to Section
25 3640.7.”

26 7. Section 4060 of the Code states, in pertinent part:

27 ““No person shall possess any controlled substance, except that furnished to a person upon
28 the prescription of a physician, dentist, podiatrist, optometrist, veterinarian, or naturopathic doctor

1 pursuant to Section 3640.7, or furnished pursuant to a drug order issued by a certified nurse-
2 midwife pursuant to Section 2746.51, a nurse practitioner pursuant to Section 2836.1, a physician
3 assistant pursuant to Section 3502.1, a naturopathic doctor pursuant to Section 3640.5, or a
4 pharmacist pursuant to either subparagraph (D) of paragraph (4) of, or clause (iv) of subparagraph
5 (A) of paragraph (5) of, subdivision (a) of Section 4052. This section shall not apply to the
6 possession of any controlled substance by a manufacturer, wholesaler, pharmacy, pharmacist,
7 physician, podiatrist, dentist, optometrist, veterinarian, naturopathic doctor, certified nurse-
8 midwife, nurse practitioner, or physician assistant, when in stock in containers correctly labeled
9 with the name and address of the supplier or producer.”

10 8. California Health and Safety Code section 11350(a) provides that every person who
11 possesses certain controlled substances without a written prescription of a physician, dentist,
12 podiatrist, or veterinarian licensed to practice in this state, shall be punished by imprisonment in
13 the state prison.

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

18 10. Section 118, subdivision (b), of the Code provides that the expiration of a license
19 shall not deprive the Board of jurisdiction to proceed with a disciplinary action during the period
20 within which the license may be renewed, restored, reissued or reinstated.

21 22 CONTROLLED SUBSTANCES/DANGEROUS DRUGS

23 11. Section 4022 of the Code states:

24 "Dangerous drug" or "dangerous device" means any drug or device unsafe for self-use in
25 humans or animals, and includes the following:

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

28

1 FIRST CAUSE FOR DISCIPLINE

2 (Unlawful Possession of Controlled Substances)

3 16. Respondent Riaski is subject to disciplinary action under sections 4060, 4301(j)
4 and/or (o) and/or 4059(a), in that, as described in paragraphs 13-15 above, Respondent Riaski
5 possessed controlled substances and/or dangerous drugs without prescriptions.

6 SECOND CAUSE FOR DISCIPLINE

7 (Acts of Moral Turpitude, Dishonesty, Fraud, Deceit, Corruption)

8 17. Respondent Riaski is subject to disciplinary action under sections 4301(f), in that, as
9 described in paragraphs 13-15 above, she committed acts involving moral turpitude, dishonesty,
10 fraud, deceit, and/or corruption.

11 THIRD CAUSE FOR DISCIPLINE

12 (Controlled Substances/Dangerous Drug Violations)

13 18. Respondent Riaski is subject to disciplinary action under sections 4301(j), in that, as
14 described in paragraphs 13-15 above, she violated statutes regulating controlled substances and
15 dangerous drugs.

16
17 PRAYER

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

20 1. Revoking or suspending Pharmacist Technician License Number TCH 41180, issued
21 to Aimee Riaski;

22 2. Ordering Aimee Riaski to pay the Board of Pharmacy the reasonable costs of the
23 investigation and enforcement of this case, pursuant to Business and Professions Code section
24 125.3;

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26 ///

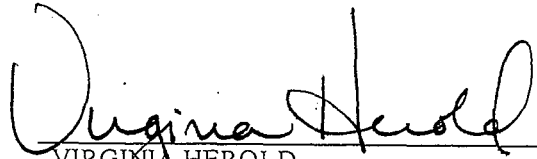
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3. Taking such other and further action as deemed necessary and proper.

DATED: 12/8/09



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

SF2009404536