

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

In the Matter of the Accusation Against:

**EBER ISAI SANCHEZ  
6510 Falcon Avenue  
Long Beach, CA 90805**

**Pharmacy Technician License No. TCH 56286**

Respondent.

Case No. 3505

OAH No. L-2011031311

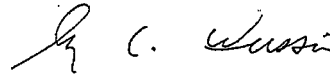
**DECISION AND ORDER**

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 April 23, 2012.

It is so ORDERED on March 23, 2012.

BOARD OF PHARMACY  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA



By

\_\_\_\_\_  
STANLEY C. WEISSER  
Board President

1 KAMALA D. HARRIS  
Attorney General of California  
2 MARC D. GREENBAUM  
Supervising Deputy Attorney General  
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7

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

10 In the Matter of the Accusation Against:  
11 **EBER ISAI SANCHEZ**  
12 **6510 Falcon Avenue**  
13 **Long Beach, CA 90805**  
**Pharmacy Technician License No. TCH**  
**56286**  
14  
15 Respondent.

Case No. 3505  
OAH No. L-2011031311  
**STIPULATED SETTLEMENT AND**  
**DISCIPLINARY ORDER**

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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 Kamala  
23 D. Harris, Attorney General of the State of California, by Kimberley J. Baker-Guillemet, Deputy  
24 Attorney General.

25 2. Respondent Eber Isai Sanchez (Respondent) is representing himself in this  
26 proceeding and has chosen not to exercise his right to be represented by counsel.  
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1 **DISCIPLINARY ORDER**

2 IT IS HEREBY ORDERED that Pharmacy Technician License No. TCH 56286 issued to  
3 Respondent Eber Isai Sanchez (Respondent) is revoked. However, the revocation is stayed and  
4 Respondent is placed on probation for three (3) years on the following terms and conditions.

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

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

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

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

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

24 **2. Obey All Laws**

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

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

- 28  an arrest or issuance of a criminal complaint for violation of any provision of the

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Pharmacy Law, state and federal food and drug laws, or state and federal controlled substances laws

- a plea of guilty or nolo contendere in any state or federal criminal proceeding to any criminal complaint, information or indictment
- a conviction of any crime
- discipline, citation, or other administrative action filed by any state or federal agency which involves respondent's pharmacy technician license or which is related to the practice of pharmacy or the manufacturing, obtaining, handling, distributing, billing, or charging for any drug, device or controlled substance.

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

**3. Report to the Board**

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

**4. Interview with the Board**

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

**5. Cooperate with Board Staff**

Respondent shall cooperate with the board's inspection program and with the board's monitoring and investigation of respondent's compliance with the terms and conditions of his

1 probation. Failure to cooperate shall be considered a violation of probation.

2 **6. Notice to Employers**

3 During the period of probation, respondent shall notify all present and prospective  
4 employers of the decision in case number 3505 and the terms, conditions and restrictions imposed  
5 on respondent by the decision, as follows:

6 Within thirty (30) days of the effective date of this decision, and within fifteen (15) days of  
7 respondent undertaking any new employment, respondent shall cause his direct supervisor,  
8 pharmacist-in-charge (including each new pharmacist-in-charge employed during respondent's  
9 tenure of employment) and owner to report to the board in writing acknowledging that the listed  
10 individual(s) has/have read the decision in case number 3505 and the terms and conditions  
11 imposed thereby. It shall be respondent's responsibility to ensure that his employer(s) and/or  
12 supervisor(s) submit timely acknowledgement(s) to the board.

13 If respondent works for or is employed by or through a pharmacy employment service,  
14 respondent must notify his direct supervisor, pharmacist-in-charge and owner at every pharmacy  
15 of the terms and conditions of the decision in case number 3505 in advance of the respondent  
16 commencing work at each pharmacy. A record of this notification must be provided to the board  
17 upon request.

18 Furthermore, within thirty (30) days of the effective date of this decision, and within fifteen  
19 (15) days of respondent undertaking any new employment by or through a pharmacy employment  
20 service, respondent shall cause his direct supervisor with the pharmacy employment service to  
21 report to the board in writing acknowledging that he has read the decision in case number 3505  
22 and the terms and conditions imposed thereby. It shall be respondent's responsibility to ensure  
23 that his employer(s) and/or supervisor(s) submit timely acknowledgment(s) to the board.

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

27 "Employment" within the meaning of this provision shall include any full-time,  
28 part-time, temporary or relief service or pharmacy management service as a pharmacy

1 technician or in any position for which a pharmacy technician license is a requirement  
2 or criterion for employment, whether the respondent is considered an employee,  
3 independent contractor or volunteer.

4 **7. Reimbursement of Board Costs**

5 As a condition precedent to successful completion of probation, respondent shall pay to the  
6 board its costs of investigation and prosecution in the amount of \$2,000.00 (two thousand dollars  
7 and no cents). Respondent shall make said payments on a payment plan approved by the board.  
8 There shall be no deviation from this schedule absent prior written approval by the board or its  
9 designee. Failure to pay costs by the deadline(s) as directed shall be considered a violation of  
10 probation.

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

13 **8. Probation Monitoring Costs**

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

18 **9. Status of License**

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

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

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

27 Following the effective date of this decision, should respondent cease work due to  
28 retirement or health, or be otherwise unable to satisfy the terms and conditions of probation,



1 respondent may tender his pharmacy technician license to the board for surrender. The board or  
2 its designee shall have the discretion whether to grant the request for surrender or take any other  
3 action it deems appropriate and reasonable. Upon formal acceptance of the surrender of the  
4 license, respondent will no longer be subject to the terms and conditions of probation. This  
5 surrender constitutes a record of discipline and shall become a part of the respondent's license  
6 history with the board.

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

13       **11. Notification of a Change in Name, Residence Address, Mailing Address or**  
14 **Employment**

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

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

22       **12. Tolling of Probation**

23       Except during periods of suspension, respondent shall, at all times while on probation, be  
24 employed as a pharmacy technician in California for a minimum of ten (10) hours per calendar  
25 month. Any month during which this minimum is not met shall toll the period of probation, i.e.,  
26 the period of probation shall be extended by one month for each month during which this  
27 minimum is not met. During any such period of tolling of probation, respondent must  
28 nonetheless comply with all terms and conditions of probation.

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

6           It is a violation of probation for respondent's probation to remain tolled pursuant to the  
7 provisions of this condition for a total period, counting consecutive and non-consecutive months,  
8 exceeding thirty-six (36) months.

9           "Cessation of work" means calendar month during which respondent is not  
10 working for at least ten (10) hours as a pharmacy technician, as defined in Business  
11 and Professions Code section 4115. "Resumption of work" means any calendar  
12 month during which respondent is working as a pharmacy technician for at least ten  
13 (10) hours as a pharmacy technician as defined by Business and Professions Code  
14 section 4115.

### 15           **13. Violation of Probation**

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

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

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1           **14. Completion of Probation**

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

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

5           Respondent shall not own, have any legal or beneficial interest in, or serve as a manager,  
6 administrator, member, officer, director, trustee, associate, or partner of any business, firm,  
7 partnership, or corporation currently or hereinafter licensed by the board. Respondent shall sell  
8 or transfer any legal or beneficial interest in any entity licensed by the board within ninety (90)  
9 days following the effective date of this decision and shall immediately thereafter provide written  
10 proof thereof to the board. Failure to timely divest any legal or beneficial interest(s) or provide  
11 documentation thereof shall be considered a violation of probation.

12           Respondent shall not acquire any new ownership, legal or beneficial interest nor serve as a  
13 manager, administrator, member, officer, director, trustee, associate, or partner of any additional  
14 business, firm, partnership, or corporation licensed by the board. If respondent currently owns or  
15 has any legal or beneficial interest in, or serve as a manager, administrator, member, officer,  
16 director, trustee, associate, or partner of any business, firm, partnership, or corporation currently  
17 or hereinafter licensed by the board, respondent may continue to serve in such capacity or hold  
18 that interest, but only to the extent of that position or interest as of the effective of this decision.  
19 Violation of this restriction shall be considered a violation of probation.

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

21           If the Board receives a confirmed positive drug or alcohol test, respondent shall begin  
22 regular attendance at a recognized and established substance abuse recovery support group in  
23 California, (e.g., Alcoholics Anonymous, Narcotics Anonymous, etc.) which has been approved  
24 by the board or its designee. Respondent must attend at least one group meeting per week unless  
25 otherwise directed by the board or its designee. Respondent shall continue regular attendance and  
26 submit signed and dated documentation confirming attendance with each quarterly report for the  
27 duration of probation. Failure to attend or submit documentation thereof shall be considered a  
28 violation of probation.

1           **17. Random Drug Screening**

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

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

26           Respondent shall not direct, control or perform any aspect of the practice of pharmacy.  
27 Subject to the above restrictions, respondent may continue to own or hold an interest in any  
28 licensed premises in which he holds an interest at the time this decision becomes effective unless

1 otherwise specified in this order.

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

3 **18. Notification of Departure**

4 Prior to leaving the probationary geographic area designated by the board or its designee for  
5 a period greater than twenty-four (24) hours, respondent shall notify the board verbally and in  
6 writing of the dates of departure and return. Failure to comply with this provision shall be  
7 considered a violation of probation.

8 **19. Abstain from Drugs and Alcohol Use**

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

20 **20. Completion of Community Service Program or Anger Management Course**

21 Respondent must complete fifty (50) hours of community service each year of probation for  
22 the first two (2) years of probation or complete a board-approved anger management course.

23 Within sixty (60) days of the effective date of this decision, respondent shall submit to the board or its  
24 designee, for prior approval, a community service program in which respondent shall provide free health-  
25 care related services on a regular basis to a community or charitable facility or agency for at least fifty  
26 (50) hours per year for the first two (2) years of probation or information regarding an anger management  
27 course in which respondent proposes enrollment. Within thirty (30) days of board approval thereof,  
28 respondent shall submit documentation to the board demonstrating commencement of the community

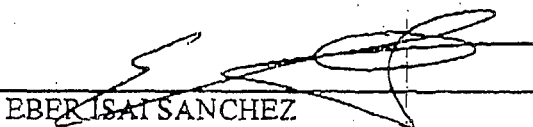
1 service program or of the anger management course. A record of this notification must be provided to the  
 2 board upon request. Respondent shall report on progress with the community service program or the anger  
 3 management course in the quarterly reports. Failure to timely submit, commence, or comply with the  
 4 program shall be considered a violation of probation.

ACCEPTANCE

5  
 6 I have carefully read the Stipulated Settlement and Disciplinary Order. I understand the  
 7 stipulation and the effect it will have on my Pharmacy Technician License. I enter into this  
 8 Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree  
 9 to be bound by the Decision and Order of the Board of Pharmacy.

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DATED: 10-06-11


  
 \_\_\_\_\_  
 EBER ISAI SANCHEZ  
 Respondent

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: 10/6/11

Respectfully submitted,  
 KAMALA D. HARRIS  
 Attorney General of California  
 MARC D. GREENBAUM  
 Supervising Deputy Attorney General

  
 KIMBERLEY J. BAKER-GUILLEMET  
 Deputy Attorney General  
 Attorneys for Complainant

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**Exhibit A**

**Accusation No. 3505**

1 EDMUND G. BROWN JR.  
Attorney General of California  
2 MARC D. GREENBAUM  
Supervising Deputy Attorney General  
3 BRIAN G. WALSH  
Deputy Attorney General  
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7 *Attorneys for Complainant*

8 **BEFORE THE**  
9 **BOARD OF PHARMACY**  
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11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 3505

13 **EBER ISAI SANCHEZ**  
6510 Fallon Avenue  
Long Beach, CA 90805

**ACCUSATION**

14 Pharmacy Technician Registration No. TCH 56286

15 Respondent.

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18 Complainant alleges:

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**PARTIES**

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1. Virginia Herold (Complainant) brings this Accusation solely in her official capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs.
2. On or about April 18, 2005, the Board of Pharmacy (Board) issued Pharmacy Technician Registration No. TCH 56286 (the registration) to Eber Isai Sanchez (Respondent). The registration was in full force and effect at all times relevant to the charges brought herein and will expire on June 30, 2011, unless renewed.

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1 **JURISDICTION**

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

4 **STATUTORY PROVISIONS**

5 4. Section 118, subdivision (b), provides that the suspension, expiration, surrender or  
6 cancellation of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary  
7 action during the period within which the license may be renewed, restored, reissued or  
8 reinstated.

9 5. Section 4300 permits the Board to take disciplinary action to suspend or revoke a  
10 license issued by the Board.

11 6. Section 4301 states:

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

15 . . . .

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

19 . . . .

20 "(h) The administering to oneself, of any controlled substance, or the use of any dangerous  
21 drug or of alcoholic beverages to the extent or in a manner as to be dangerous or injurious to  
22 oneself, to a person holding a license under this chapter, or to any other person or to the public, or  
23 to the extent that the use impairs the ability of the person to conduct with safety to the public the  
24 practice authorized by the license.

25 . . . .

26 "(l) The conviction of a crime substantially related to the qualifications, functions, and  
27 duties of a licensee under this chapter. The record of conviction of a violation of Chapter 13  
28 (commencing with Section 801) of Title 21 of the United States Code regulating controlled

1 substances or of a violation of the statutes of this state regulating controlled substances or  
2 dangerous drugs shall be conclusive evidence of unprofessional conduct. In all other cases, the  
3 record of conviction shall be conclusive evidence only of the fact that the conviction occurred.  
4 The board may inquire into the circumstances surrounding the commission of the crime, in order  
5 to fix the degree of discipline or, in the case of a conviction not involving controlled substances  
6 or dangerous drugs, to determine if the conviction is of an offense substantially related to the  
7 qualifications, functions, and duties of a licensee under this chapter. A plea or verdict of guilty or  
8 a conviction following a plea of nolo contendere is deemed to be a conviction within the meaning  
9 of this provision. The board may take action when the time for appeal has elapsed, or the  
10 judgment of conviction has been affirmed on appeal or when an order granting probation is made  
11 suspending the imposition of sentence, irrespective of a subsequent order under Section 1203.4 of  
12 the Penal Code allowing the person to withdraw his or her plea of guilty and to enter a plea of not  
13 guilty, or setting aside the verdict of guilty, or dismissing the accusation, information, or  
14 indictment.

#### 15 REGULATORY PROVISIONS

16 7. California Code of Regulations, title 16, section 1770, states:

17 "For the purpose of denial, suspension, or revocation of a personal or facility license  
18 pursuant to Division 1.5 (commencing with Section 475) of the Business and Professions Code, a  
19 crime or act shall be considered substantially related to the qualifications, functions or duties of a  
20 licensee or registrant if to a substantial degree it evidences present or potential unfitness of a  
21 licensee or registrant to perform the functions authorized by his license or registration in a manner  
22 consistent with the public health, safety, or welfare. . ."

#### 23 COST RECOVERY

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

28 ///

1   **FIRST CAUSE FOR DISCIPLINE**

2   **(Substantially-Related Convictions)**

3           9.     Respondent is subject to disciplinary action under section 4301, subdivision (l), in  
4 conjunction with California Code of Regulations, title 16, section 1770, in that Respondent was  
5 convicted of crimes that are substantially related to the qualifications, functions, or duties of a  
6 pharmacy technician, as follows:

7           a.     On or about September 15, 2008, after pleading nolo contendere, Respondent was  
8 convicted of one misdemeanor count of violating Penal Code section 273.6(a) [intentional and  
9 knowing violation of a protective order], in the criminal proceeding entitled *The People of the*  
10 *State of California v. Eber Isai Sanchez* (Super. Ct. Los Angeles County, 2008, No. 8LG06543).  
11 Respondent was sentenced to four days in jail, ordered to perform 40 hours of community service,  
12 and placed on probation for a period of three years. The underlying arrest occurred on or about  
13 April 9, 2008, when officers of the Long Beach Police Department arrested Respondent for  
14 approaching his former girlfriend, in violation of a domestic violence restraining order.

15           b.     On or about March 7, 2008, after pleading nolo contendere, Respondent was  
16 convicted of one misdemeanor count of violating Vehicle Code section 23152, subdivision (b)  
17 [driving with a blood-alcohol content level greater than 0.8%], in the criminal proceeding entitled  
18 *The People of the State of California v. Eber Isai Sanchez* (Super. Ct. Los Angeles County, 2008,  
19 No. 7LT04476). Respondent was sentenced to four days in jail, and placed on probation for four  
20 years. He was also ordered to complete a nine-month first offender's drug and alcohol education  
21 program, perform 16 days of Cal Trans service, and pay restitution. The underlying arrest  
22 occurred on or about April 18, 2007, when Respondent was arrested by officers of the California  
23 Highway Patrol for driving under the influence of alcohol. He displayed involuntary eye  
24 movements during an optical field sobriety test, and then refused to submit to any additional field  
25 sobriety tests.

26           c.     On or about November 9, 2007, after pleading nolo contendere, Respondent was  
27 convicted of violating one misdemeanor count of violating Penal Code section 459 [burglary], in  
28 the criminal proceeding entitled *The People of the State of California v. Eber Isai Sanchez* (Super.

1 Ct. Los Angeles County, 2007, No. 7BF05590). Respondent was sentenced to 30 days in jail, and  
2 placed on three years probation. The underlying circumstances revolve around Respondent's  
3 attempt to "return" \$327.32 of electronic merchandise, which he had never really purchased, at  
4 the Target Department Store in Lakewood, California. Due to a mismatched stock number, the  
5 refund was unauthorized. Respondent then left the store with the merchandise he had attempted  
6 to return, even though video surveillance footage revealed that Respondent had entered the store  
7 empty-handed. Investigation followed, involving Target security and officers of the Long Beach  
8 Police Department. On or about October 16, 2007, admitted his actions to the police, and was  
9 formally charged soon after, on or about October 25, 2007.

10 **SECOND CAUSE FOR DISCIPLINE**

11 **(Dangerous Use of Alcohol)**

12 10. Respondent is subject to disciplinary action under section 4301, subdivision (h), in  
13 that Respondent used alcohol in a manner dangerous to himself and others. Complainant refers to  
14 and incorporates all the allegations contained in paragraph 9, subparagraph b, as though set forth  
15 fully.

16 **THIRD CAUSE FOR DISCIPLINE**

17 **(Dishonest Acts)**

18 11. Respondent is subject to disciplinary action under section 4301, subdivision (f), in  
19 that he has committed dishonest, fraudulent acts. Complainant refers to and incorporates all the  
20 allegations contained in paragraph 9, subparagraph c, as though set forth fully.

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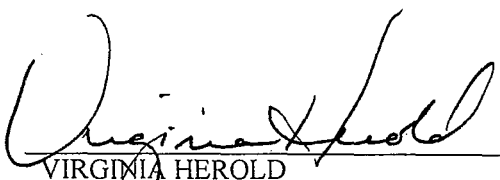
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PRAYER

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

1. Revoking or suspending Pharmacy Technician Registration No. TCH 56286, issued to Respondent;
2. Ordering Respondent to pay the Board the reasonable costs of the investigation and enforcement of this case, pursuant to section 125.3; and
3. Taking such other and further action as deemed necessary and proper.

DATED: 7/15/10



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