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

In the Matter of the Accusation Against:
ROBERT ANTHONY JUARROS
P.O. Box 1733
Elk Grove, California 95757

Pharmacy Technician License No. TCH 39870

Respondent.

Case No. 3913

DEFAULT DECISION AND ORDER

[Gov. Code, §11520]

FINDINGS OF FACT

1. On or about January 4, 2011, Complainant Virginia Herold, in her official capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs, filed Accusation No. 3913 against Robert Anthony Juarros (Respondent) before the Board of Pharmacy. (Accusation attached as Exhibit A.)

2. On or about October 9, 2001, the Board of Pharmacy (Board) issued Pharmacy Technician License No. TCH 39870 to Respondent. The Pharmacy Technician License was in full force and effect at all times relevant to the charges brought herein and will expire on August 31, 2011, unless renewed.

3. On or about January 7, 2011, Respondent was served by Certified Mail and by First Class Mail with copies of the Accusation No. 3913, Statement to Respondent, Notice of Defense (two blank copies), Request for Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6, and 11507.7) at Respondent's address of record which, pursuant to Business

1 and Professions Code section 136 and/or agency specific statute or regulation, is required to be
2 reported and maintained with the Board, which was and is: P.O. Box 1733, Elk Grove, California
3 95757.

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 January 27, 2011, the Return Receipt for the Certified Mail to
8 Respondent signed by a Vincent Hammond was returned by the U.S. Postal Service. The First
9 Class Mail to Respondent was not returned by the U.S. Postal Service.

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

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

16 7. Respondent failed to file a Notice of Defense within fifteen (15) days after service
17 upon him of the Accusation, and therefore waived his right to a hearing on the merits of
18 Accusation No. 3913.

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

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

24 9. Pursuant to its authority under Government Code section 11520, the Board finds
25 Respondent is in default. The Board will take action without further hearing and, based on the
26 relevant evidence contained in the Default Decision Investigatory Evidence Packet in this matter,
27 as well as taking official notice of all the investigatory reports, exhibits and statements contained
28 therein on file at the Board's offices regarding the allegations contained in Accusation No. 3913,
finds that the charges and allegations in Accusation No. 3913, are separately and severally, found
to be true and correct by clear and convincing evidence.

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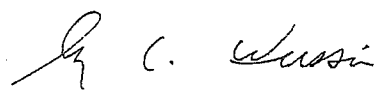
ORDER

IT IS SO ORDERED that Pharmacy Technician License No. TCH 39870, heretofore issued to Respondent Robert Anthony Juarros, 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.



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

Attachment:
Exhibit A: Accusation

Exhibit A

Accusation No. 3913

1 EDMUND G. BROWN JR.
Attorney General of California
2 ARTHUR D. TAGGART
Supervising Deputy Attorney General
3 STERLING A. SMITH
Deputy Attorney General
4 State Bar No. 84287
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5 P.O. Box 944255
Sacramento, CA 94244-2550
6 Telephone: (916) 445-0378
Facsimile: (916) 327-8643
7 *Attorneys for Complainant*

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. 3913

12 **ROBERT ANTHONY JUARROS**
13 **P.O. Box 1733**
Elk Grove, California 95757

A C C U S A T I O N

14 **Pharmacy Technician License TCH 39870**

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 October 9, 2001, the Board of Pharmacy issued Pharmacy Technician
22 License No. TCH 39870 to Robert Anthony Juarros (Respondent). The Pharmacy 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.

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JURISDICTION

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

5 4. Section 4300 of the Code states, in pertinent part:

6 (a) Every license issued may be suspended or revoked.

7 (b) The board shall discipline the holder of any license issued by the board, whose default
8 has been entered or whose case has been heard by the board and found guilty, by any of the
9 following methods:

10 (1) Suspending judgment.

11 (2) Placing him or her upon probation.

12 (3) Suspending his or her right to practice for a period not exceeding one year.

13 (4) Revoking his or her license.

14 (5) Taking any other action in relation to disciplining him or her as the board in its
15 discretion may deem proper.

16 5. Section 4301 of the Code states, in pertinent part:

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

20 ...

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

26 ...

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

1 (k) The conviction of more than one misdemeanor or any felony involving the use,
2 consumption, or self-administration of any dangerous drug or alcoholic beverage, or any
3 combination of those substances.

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

21 ...”

22 6. Section 4059 of the Code, subdivision (a) states, in pertinent part:

23 "(a) A person may not furnish any dangerous drug, except upon the prescription of a
24 physician, dentist, podiatrist, optometrist, veterinarian, or naturo-pathic doctor pursuant to Section
25 3640.7”

26 7. Section 125.3 of the Code states, in pertinent part, that the Board may request the
27 administrative law judge to direct a licentiate found to have committed a violation or violations of

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1 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
2 enforcement of the case.

3 FIRST CAUSE FOR DISCIPLINE

4 (Unprofessional Conduct: Criminal Convictions)

5 8. Respondent is subject to disciplinary action under section 4301, subdivision (l)
6 for unprofessional conduct in that Respondent suffered the criminal convictions substantially
7 related to the qualifications, functions, or duties of a pharmacy technician. Respondent's criminal
8 convictions and their circumstances described below.

9 (a) On or about August 12, 2010, Respondent was convicted by his plea of no contest to
10 violation of Penal Code section 148(A)(1) (obstruction of a peace officer), a misdemeanor, and
11 Penal Code section 594(A) (vandalism), a misdemeanor, in *People v. Robert Anthony Juarros*,
12 Sacramento County Superior Court Case No. 10M04985.

13 The circumstances were that on or about July 22, 2010, Elk Grove Police Department
14 officers were dispatched to a bar in response to reports that Respondent was assaulting customers
15 at a bar. At that time, Respondent was intoxicated, failed to comply with the lawful commands of
16 a peace officer in the performance of his duties, assaulted police and after being taken into
17 custody, kicked out the window of the patrol vehicle.

18 (b) On or about August 12, 2010, Respondent was convicted by his plea of no contest to
19 violation of Vehicle Code 23152(B) (driving under the influence of alcohol or drugs with a blood
20 alcohol exceeding .08 percent), a misdemeanor, and Penal Code section 148(A)(1) (obstruction of
21 a peace officer), a misdemeanor, in *People v. Robert Anthony Juarros*, Sacramento County
22 Superior Court Case No. 10M02492.

23 The circumstances were that on or about April 4, 2010, Elk Grove Police Department
24 officers responded to motorist reports of a reckless driver running red lights and stop signs. The
25 reporting motorist followed the green Mazda 626 that Respondent was driving to an AM/PM
26 market parking lot in Elk Grove. When police confronted Respondent inside the AM/PM market,
27 Respondent was in an intoxicated condition. Thereafter, Respondent disobeyed the lawful
28 commands of a peace officer and attempted to flee on foot. A physical altercation with police

1 ensued, with Respondent being taken into custody after use of a Taser and physical restraint of
2 Respondent by two peace officers.

3 (c) On or about February 5, 2002, Respondent was convicted by his plea of no contest to
4 violation of Vehicle Code 23152(A) (driving under the influence of alcohol or drugs), a
5 misdemeanor, in *People v. Robert Anthony Juarros*, Sacramento County Superior Court Case No.
6 01T04808.

7 The circumstances were that on or about October 9, 2001, Respondent was arrested
8 by California Highway Patrol officers for driving a motor vehicle under the influence of alcohol
9 or drugs. Respondent's blood alcohol level at that time was .22 percent.

10 SECOND CAUSE FOR DISCIPLINE

11 (Unprofessional Conduct: Violation of State Law Regulating
12 Controlled Substances and Dangerous Drugs)

13 9. Respondent is subject to disciplinary action under section 4301(j) for
14 unprofessional conduct in that on or about January 26, 2010, Respondent violated Business &
15 Professions Code section 4059, subdivision (a), by furnishing tablets of Zeprexa, a dangerous
16 drug, to himself without a prescription.

17 THIRD CAUSE FOR DISCIPLINE

18 (Unprofessional Conduct: Use of Alcoholic Beverages)

19 10. Paragraph 8 above is incorporated by reference. Respondent is subject to
20 disciplinary action under section 4301(h) for unprofessional conduct in that as alleged in
21 Paragraph 8 above, Respondent used alcoholic beverages to the extent or in a manner as to be
22 dangerous or injurious to himself, or to any other person or to the public, or to the extent that the
23 use impairs Respondent's ability to conduct with safety to the public the practice authorized by
24 his pharmacy technician license.

25 PRAYER

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

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1. Revoking or suspending Pharmacy Technician License No. TCH 39870, issued to Robert Anthony Juarros;

2. Ordering Robert Anthony Juarros to pay the Board of Pharmacy the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;

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

DATED: 1/4/11



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

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