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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. 4025

JUAN FRANCISCO REYNOSA
716 Imogen Avenue, #5
Los Angeles, CA 90026
Pharmacy Technician Registration No. TCH
55486

DEFAULT DECISION AND ORDER

[Gov. Code, §11520]

Respondent.

FINDINGS OF FACT

1. On or about June 1, 2012, Complainant Virginia Herold, in her official capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs, filed Accusation No. 4025 against Juan Francisco Reynosa (Respondent) before the Board of Pharmacy. (Accusation attached as Exhibit A.)

2. On or about March 3, 2004, the Board of Pharmacy (Board) issued Pharmacy Technician Registration No. TCH 55486 to Respondent. The Pharmacy Technician Registration expired on April 30, 2011, and has not been renewed.

3. On or about June 15, 2012, Respondent was served by Certified and First Class Mail copies of the Accusation No. 4025, Statement to Respondent, Notice of Defense, 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 and Professions Code section 4100,

1 is required to be reported and maintained with the Board. Respondent's address of record was
2 and is: 716 Imogen Avenue, #5, Los Angeles, CA 90026.

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

6 5. On or about July 18, 2012, the aforementioned documents were returned by the U.S.
7 Postal Service marked "Unclaimed."

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

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

14 7. Respondent failed to file a Notice of Defense within 15 days after service upon him
15 of the Accusation, and therefore waived his right to a hearing on the merits of Accusation No.
16 4025.

17 8. 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 9. 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 Evidence Packet in this matter, as well as
25 taking official notice of all the investigatory reports, exhibits and statements contained therein on
26 file at the Board's offices regarding the allegations contained in Accusation No. 4025, finds that
27 the charges and allegations in Accusation No. 4025, are separately and severally, found to be true
28 and correct by clear and convincing evidence.

10 Taking official notice of its own internal records, pursuant to Business and
11 Professions Code section 125.3, it is hereby determined that the reasonable costs for Investigation
12 and Enforcement is \$2,735 as of October 1, 2012.

DETERMINATION OF ISSUES

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2 1. Based on the foregoing findings of fact, Respondent Juan Francisco Reynosa has
3 subjected his Pharmacy Technician Registration 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 Evidence Packet in this case:

8 a. Business and Professions Code section 4301, subdivision (l) (Convictions of
9 Substantially Related Crimes.)

10 b. Business and Professions Code section 4301, subdivision (f) (Acts Involving Moral
11 Turpitude, Dishonesty, Fraud, Deceit, or Corruption.)

12 c. Business and Professions Code section 4301, subdivision (h) (Dangerous Use of
13 Alcohol.)

14 d. Business and Professions Code section 4301, subdivision (j) (Possession of
15 Dangerous Drugs.)

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ORDER

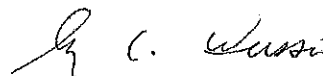
IT IS SO ORDERED that Pharmacy Technician Registration No. TCH 55486, heretofore issued to Respondent Juan Francisco Reynosa is revoked.

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 January 28, 2013.

It is so ORDERED ON December 28, 2012.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA



By _____
STANLEY C. WEISSER
Board President

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DOJ Matter ID:LA2011504908

Attachment:
Exhibit A: Accusation

Exhibit A

Accusation

1 KAMALA D. HARRIS
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2 KAREN B. CHAPPELLE
Supervising Deputy Attorney General
3 THOMAS L. RINALDI
Deputy Attorney General
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Attorneys for Complainant

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

10 In the Matter of the Accusation Against:	Case No. 4025
11 JUAN FRANCISCO REYNOSA	
12 716 Imogen Avenue, #5	
13 Los Angeles, CA 90026	ACCUSATION
14 Pharmacy Technician Registration	
15 No. TCH 55486	
Respondent.	

16 Complainant alleges:

17 PARTIES

- 18 1. Virginia Herold (Complainant) brings this Accusation solely in her official capacity
19 as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs.
- 20 2. On or about March 3, 2004, the Board of Pharmacy issued Pharmacy Technician
21 Registration Number TCH 55486 to Juan Francisco Reynosa (Respondent). The Pharmacy
22 Technician Registration expired on April 30, 2011, and has not been renewed.

23 JURISDICTION

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

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

REGULATORY PROVISION

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

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

1 COST RECOVERY

2 9. Section 125.3 provides that the Board may request the administrative law judge to
3 direct a licentiate found to have committed a violation or violations of the licensing act to pay a
4 sum not to exceed the reasonable costs of the investigation and enforcement of the case.

5 FIRST CAUSE FOR DISCIPLINE

6 (Convictions of Substantially Related Crimes)

7 10. Respondent is subject to disciplinary action under sections 490, 4300 and 4301,
8 subdivision (I), in conjunction with California Code of regulations, title 16, section 1770, in that
9 Respondent was convicted of crimes substantially related to the qualifications, functions or duties
10 of a licensee which to a substantial degree evidences his present or potential unfitness to perform
11 the functions authorized by his license in a manner consistent with the public health, safety, or
12 welfare, as follows:

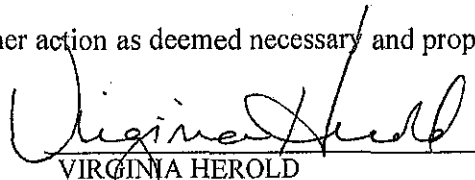
13 a. On or about May 26, 2011, Respondent was convicted of one felony count of
14 violating Penal Code section 484(A) [Grand Theft by Embezzlement] in a criminal proceeding
15 entitled *The People of the State of California v. Juan Francisco Reynosa* (Super. Ct. Los Angeles
16 County, Case No. SA077314). The circumstances underlying the conviction are that between
17 January 10, 2010 and February 4, 2011, while employed as a pharmacy technician at CVS
18 Pharmacy, Respondent unlawfully stole dangerous drugs from his employer which he then resold
19 for profit.

20 b. On or about January 6, 2011, Respondent was convicted of one misdemeanor
21 count of violating Health and Safety Code section 23152(B) [Driving Under the Influence of
22 Alcohol] in a criminal proceeding entitled *The People of the State of California v. Juan Francisco*
23 *Reynosa* (Super. Ct. Los Angeles County, Case No. OMP13565). The circumstances underlying
24 the conviction are that on or around November 14, 2010, Respondent drove a vehicle with .18
25 percent or more, by weight, of alcohol in his blood stream.

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

DATED: 6/1/12



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

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