



**California State Board of Pharmacy**

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BUSINESS, CONSUMER SERVICES AND HOUSING AGENCY  
DEPARTMENT OF CONSUMER AFFAIRS  
GOVERNOR EDMUND G. BROWN JR.

**APPLICATION FOR VOLUNTARY SURRENDER OF PHARMACY TECHNICIAN LICENSE**

PLEASE PRINT IN BLACK OR BLUE INK OR TYPE YOUR RESPONSES

Name: <u>Raymond Fernandez-Guzed</u>	Case No. <u>4959</u>
Address of Record: <u>1436 167th ave</u> <u>San Leandro CA 94578</u>	

Pursuant to the terms and conditions of my probation with the California State Board of Pharmacy (Board) in Case No. 4959, I hereby request to surrender my pharmacy technician license, License No. 97367. The Board or its designee shall have the discretion whether to grant the request for surrender or take any other action it deems appropriate and reasonable. Upon formal acceptance of the surrender of the license, I will no longer be subject to the terms and conditions of probation. I understand that this surrender constitutes a record of discipline and shall become a part of my license history with the Board.

Upon the acceptance of the surrender, I shall relinquish my pharmacy technician license to the Board within ten (10) days of notification by the Board that the surrender is accepted. I understand that I may not reapply for any license, permit, or registration from the board for three (3) years from the effective date of the surrender. I further understand that I shall meet all requirements applicable to the license sought as of the date the application for that license is submitted to the Board.

PLEASE BE ADVISED THAT YOU ARE NOT RELIEVED OF THE REQUIREMENTS OF YOUR PROBATION UNLESS THE BOARD NOTIFIES YOU THAT YOUR REQUEST TO SURRENDER YOUR LICENSE HAS BEEN ACCEPTED.

Ray Fernandez  
Applicant's Signature

2/21/14  
Date

Virginia Seedel  
Executive Officer's Approval

3/3/14  
Date

All items on this application are mandatory in accordance with your probationary order and the Board's Disciplinary Guidelines as authorized by Title 16, California Code of Regulations section 1760. Failure to provide any of the requested information or providing unreadable information will result in the application being rejected as incomplete. The information provided on this form will be used to determine eligibility for surrender. The official responsible for information maintenance is the Executive Officer, telephone (916) 574-7900, 1625 N. Market Blvd., Suite N-219, Sacramento, CA 95834. The information you provide may also be disclosed in the following circumstances: (1) in response to a Public Records Act request; (2) to another government agency as required by state or federal law; or, (3) in response to a court or administrative order, a subpoena, or a search warrant. Each individual has the right to review the files or records maintained on them by our agency, unless the records are identified as confidential information and exempted by Section 1798.40 of the Civil Code.

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

In the Matter of the Statement of Issues Against:

Case No. 3946

**REYNERIO FERNANDEZ-OROZCO**  
1436 167<sup>TH</sup> Avenue  
San Leandro, CA 94578-2316

Application for Pharmacy Technician  
Registration

Respondent.

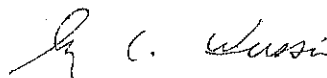
**DECISION AND ORDER**

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 May 8, 2013.

It is so ORDERED on April 8, 2013.

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 FRANK H. PACOE  
Supervising Deputy Attorney General  
3 JOSHUA A. ROOM  
Supervising Deputy Attorney General  
4 State Bar No. 214663  
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5 San Francisco, CA 94102-7004  
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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 Statement of Issues Against:  
11 **REYNERIO FERNANDEZ-OROZCO**  
12 Respondent.

Case No. 3946

**STIPULATED SETTLEMENT AND  
DISCIPLINARY ORDER**

13  
14 In the interest of a prompt and speedy settlement of this matter, consistent with the public  
15 interest and responsibility of the Board of Pharmacy, Department of Consumer Affairs, the parties  
16 hereby agree to the following Stipulated Settlement and Disciplinary Order to be submitted to the  
17 Board for approval and adoption as the final disposition of the Statement of Issues.

18 PARTIES

19 1. Virginia Herold (Complainant), Executive Officer, Board of Pharmacy, brought this  
20 action solely in her official capacity and is represented by Kamala D. Harris, Attorney General of  
21 the State of California, by Joshua A. Room, Supervising Deputy Attorney General.

22 2. Respondent Reynerio Fernandez-Orozco (Respondent) is representing himself in this  
23 proceeding and has chosen not to exercise his right to be represented by counsel.

24 3. On or about October 21, 2009, the Board of Pharmacy, Department of Consumer  
25 Affairs received an application for an Application for Registration as a Pharmacy Technician  
26 from Reynerio Fernandez-Orozco (Respondent). On or about September 16, 2009, Reynerio  
27 Fernandez-Orozco certified under penalty of perjury to the truthfulness of all statements, answers,  
28 and representations in the application. The Board denied the application on August 18, 2010.

1 JURISDICTION

2 4. Statement of Issues No. 3946 was filed before the Board of Pharmacy (Board), and is  
3 currently pending against Respondent. The Statement of Issues and all other statutorily required  
4 documents were properly served on Respondent on June 24, 2011. A copy of Statement of Issues  
5 No. 3946 is attached as exhibit A and incorporated herein by reference.

6 ADVISEMENT AND WAIVERS

7 5. Respondent has carefully read, and understands, the charges and allegations in  
8 Statement of Issues No. 3946. Respondent has also carefully read, and understands the effects of,  
9 this Stipulated Settlement and Disciplinary Order.

10 6. Respondent is fully aware of his legal rights in this matter, including the right to a  
11 hearing on the charges and allegations in the Statement of Issues; the right to be represented by  
12 counsel at his own expense; the right to confront and cross-examine the witnesses against him;  
13 the right to present evidence and to testify on his own behalf; the right to the issuance of  
14 subpoenas to compel the attendance of witnesses and the production of documents; the right to  
15 reconsideration and court review of an adverse decision; and all other rights accorded by the  
16 California Administrative Procedure Act and other applicable laws.

17 7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and  
18 every right set forth above.

19 CULPABILITY

20 8. Respondent admits the truth of each and every charge and allegation in Statement of  
21 Issues No. 3946.

22 9. Respondent agrees that his Application for Registration as a Pharmacy Technician is  
23 subject to denial and he agrees to be bound by the Board's probationary terms as set forth in the  
24 Disciplinary Order below.

25 RESERVATION

26 10. Admissions made by Respondent herein are only for the purposes of this proceeding,  
27 or any other proceedings in which the Board of Pharmacy or other professional licensing agency  
28 is involved, and shall not be admissible in any other criminal or civil proceeding.

CONTINGENCY

1  
2           11. This stipulation shall be subject to approval by the Board of Pharmacy. Respondent  
3 understands and agrees that counsel for Complainant and the staff of the Board of Pharmacy may  
4 communicate directly with the Board regarding this stipulation and settlement, without notice to  
5 or participation by Respondent. By signing the stipulation, Respondent understands and agrees  
6 that he may not withdraw his agreement or seek to rescind the stipulation prior to the time the  
7 Board considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and  
8 Order, the Stipulated Settlement and Disciplinary Order shall be of no force or effect, except for  
9 this paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall  
10 not be disqualified from further action by having considered this matter.

11           12. The parties understand and agree that facsimile copies of this stipulation, including  
12 facsimile signatures thereto, shall have the same force and effect as the originals.

13           13. This Stipulated Settlement and Disciplinary Order is intended by the parties to be an  
14 integrated writing representing the complete, final, and exclusive embodiment of their agreement.  
15 It supersedes any and all prior or contemporaneous agreements, understandings, discussions,  
16 negotiations, and commitments (written or oral). This Stipulated Settlement and Disciplinary  
17 Order may not be altered, amended, modified, supplemented, or otherwise changed except by a  
18 writing executed by an authorized representative of each of the parties.

19           14. In consideration of the foregoing, the parties agree that the Board may, without  
20 further notice or formal proceeding, issue and enter the following Disciplinary Order:  
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**DISCIPLINARY ORDER**

IT IS HEREBY ORDERED that, upon satisfaction of statutory and regulatory requirements for issuance thereof, a Pharmacy Technician License shall be issued to Reynerio Fernandez-Orozco (Respondent), and immediately revoked. Revocation is stayed and the License is placed on probation for five (5) years on the terms and conditions detailed below

**1. Certification Prior to Resuming Work**

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

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

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

**2. Obey All Laws**

Respondent shall obey all state and federal laws and regulations.

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

- an arrest or issuance of a criminal complaint for violation of any provision of the Pharmacy Law, state and federal food and drug laws, or state and federal controlled substances laws

///

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

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

9                **3. Report to the Board**

10              Respondent shall report to the board quarterly, on a schedule as directed by the board or its

11              designee. The report shall be made either in person or in writing, as directed. Among other

12              requirements, respondent shall state in each report under penalty of perjury whether there has

13              been compliance with all the terms and conditions of probation. Failure to submit timely reports

14              in a form as directed shall be considered a violation of probation. Any period(s) of delinquency

15              in submission of reports as directed may be added to the total period of probation. Moreover, if

16              the final probation report is not made as directed, probation shall be automatically extended until

17              such time as the final report is made and accepted by the board.

18              **4. Interview with the Board**

19              Upon receipt of reasonable prior notice, respondent shall appear in person for interviews

20              with the board or its designee, at such intervals and locations as are determined by the board or its

21              designee. Failure to appear for any scheduled interview without prior notification to board staff,

22              or failure to appear at two (2) or more scheduled interviews with the board or its designee during

23              the period of probation, shall be considered a violation of probation.

24              **5. Cooperate with Board Staff**

25              Respondent shall cooperate with the board's inspection program and with the board's

26              monitoring and investigation of respondent's compliance with the terms and conditions of his

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

28              ///

1           6.     **Notice to Employers**

2           During the period of probation, respondent shall notify all present and prospective  
3 employers of the decision in case number 3946 and the terms, conditions and restrictions imposed  
4 on respondent by the decision, as follows:

5           Within thirty (30) days of the effective date of this decision, and within fifteen (15) days of  
6 respondent undertaking any new employment, respondent shall cause his direct supervisor,  
7 pharmacist-in-charge (including each new pharmacist-in-charge employed during respondent's  
8 tenure of employment) and owner to report to the board in writing acknowledging that the listed  
9 individual(s) has/have read the decision in case number 3946 and the terms and conditions  
10 imposed thereby. It shall be respondent's responsibility to ensure that his employer(s) and/or  
11 supervisor(s) submit timely acknowledgement(s) to the board.

12           If respondent works for or is employed by or through a pharmacy employment service,  
13 respondent must notify his direct supervisor, pharmacist-in-charge and owner at every pharmacy  
14 of the terms and conditions of the decision in case number 3946 in advance of commencing work  
15 at each pharmacy. A record of this notification must be provided to the board upon request.

16           Furthermore, within thirty (30) days of the effective date of this decision, and within fifteen  
17 (15) days of respondent undertaking any new employment by or through a pharmacy employment  
18 service, respondent shall cause his direct supervisor with the pharmacy employment service to  
19 report to the board in writing acknowledging that he or she has read the decision in case number  
20 3946 and the terms and conditions imposed thereby. It shall be respondent's responsibility to  
21 ensure that his employer(s) and/or supervisor(s) submit timely acknowledgment(s) to the board.

22           Failure to timely notify present or prospective employer(s) or to cause employer(s) to  
23 submit timely acknowledgements to the board shall be considered a violation of probation.

24           "Employment" within the meaning of this provision shall include any full-time,  
25 part-time, temporary or relief service or pharmacy management service as a pharmacy  
26 technician or in any position for which a pharmacy technician license is a requirement  
27 or criterion for employment, whether the respondent is considered an employee,  
28 independent contractor or volunteer.



1           **7. Probation Monitoring Costs**

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

6           **8. Status of License**

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

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

14           **9. No Ownership of Licensed Premises**

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

22           **10. Notification of a Change in Employment, Name, Address, or Phone**

23           Respondent shall notify the board in writing within ten (10) days of any change of  
24 employment. Said notification shall include the reasons for leaving, the address of the new  
25 employer, the name of the supervisor and owner, and the work schedule if known. Respondent  
26 shall further notify the board in writing within ten (10) days of a change in name, residence  
27 address, mailing address, or phone number. Failure to timely notify the board of any change in  
28 employer, name, address, or phone number shall be considered a violation of probation.

1           **11. Tolling of Probation**

2           Except during periods of suspension, respondent shall, at all times while on probation, be  
3 employed as a pharmacy technician in California for a minimum of forty (40) hours per calendar  
4 month. Any month during which this minimum is not met shall toll the period of probation, i.e.,  
5 the period of probation shall be extended by one month for each month during which this  
6 minimum is not met. During any such period of tolling of probation, respondent must  
7 nonetheless comply with all terms and conditions of probation.

8           Should respondent, regardless of residency, for any reason (including vacation) cease  
9 working as a pharmacy technician for a minimum of forty (40) hours per calendar month in  
10 California, respondent must notify the board in writing within ten (10) days of cessation of work  
11 and must further notify the board in writing within ten (10) days of the resumption of the work.  
12 Any failure to provide such notification(s) shall be considered a violation of probation.

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

16           "Cessation of work" means a calendar month during which respondent is not  
17 working for at least forty (40) hours as a pharmacy technician, as defined in Business  
18 and Professions Code section 4115. "Resumption of work" means any calendar  
19 month during which respondent is working for at least forty (40) hours as a pharmacy  
20 technician as defined by Business and Professions Code section 4115.

21           **12. Attend Substance Abuse Recovery Relapse Prevention and Support Groups**

22           Within thirty (30) days of the effective date of this decision, respondent shall begin regular  
23 attendance at a recognized and established substance abuse recovery support group in California,  
24 (e.g., Alcoholics Anonymous, Narcotics Anonymous, etc.) that has been approved by the board or  
25 its designee, attending at least one group meeting per week unless otherwise directed by the board  
26 or its designee. Respondent shall continue regular attendance and submit signed and dated  
27 documentation confirming attendance with each quarterly report for the duration of probation.  
28 Failure to attend or submit documentation thereof shall be considered a violation of probation.

1           **13. Abstain from Drugs and Alcohol Use**

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

13           **14. Random Drug Screening**

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

1 During any such suspension, respondent shall not enter any pharmacy area or any portion of  
2 or any other board licensed premises (wholesaler, veterinary food-animal drug retailer or any  
3 other distributor of drugs) any drug manufacturer, or any other location where dangerous drugs  
4 and devices or controlled substances are maintained. Respondent shall not do any act involving  
5 drug selection, selection of stock, manufacturing, compounding or dispensing; nor shall  
6 respondent manage, administer, or assist any licensee of the board. Respondent shall not direct,  
7 control or perform any aspect of the practice of pharmacy. Respondent shall not have access to or  
8 control the ordering, manufacturing or dispensing of dangerous drugs and devices or controlled  
9 substances. Respondent shall not resume work until notified by the board.

10 Failure to comply with any such suspension shall be considered a violation of probation.

11 **15. Work Site Monitor**

12 Within ten (10) days of the effective date of this decision, respondent shall identify a work  
13 site monitor, for prior approval by the board, who shall be responsible for supervising respondent  
14 during working hours. Respondent shall be responsible for ensuring that the work site monitor  
15 reports in writing to the board quarterly. Should the designated work site monitor determine at  
16 any time during the probationary period that respondent has not maintained sobriety, he shall  
17 notify the board immediately, either orally or in writing as directed. Should respondent change  
18 employment, a new work site monitor must be designated, for prior approval by the board, within  
19 ten (10) days of commencing new employment. Failure to identify an acceptable initial or  
20 replacement work site monitor, or to ensure quarterly reports are submitted to the board, shall be  
21 considered a violation of probation.

22 **16. Prescription Coordination and Monitoring of Prescription Use**

23 Within thirty (30) days of the effective date of this decision, respondent shall submit to the  
24 board, for its prior approval, the name and qualifications of a single physician, nurse practitioner,  
25 physician assistant, or psychiatrist of respondent's choice, who shall be aware of the respondent's  
26 history with the use of methamphetamine and who will coordinate and monitor any prescriptions  
27 for respondent for dangerous drugs, controlled substances or mood-altering drugs. The approved  
28 practitioner shall be provided with a copy of the board's Statement of Issues and decision.

1 A record of this notification must be provided to the board upon request. Respondent shall  
2 sign a release authorizing the practitioner to communicate with the board about respondent's  
3 treatment(s). The coordinating physician, nurse practitioner, physician assistant, or psychiatrist  
4 shall report to the board on a quarterly basis for the duration of probation regarding respondent's  
5 compliance with this condition. If any substances considered addictive have been prescribed, the  
6 report shall identify a program for the time limited use of any such substances.

7 The board may require that the single coordinating physician, nurse practitioner, physician  
8 assistant or psychiatrist be a specialist in addictive medicine, or consult a specialist in addictive  
9 medicine. Should respondent, for any reason, cease supervision by the approved practitioner,  
10 respondent shall notify the board immediately and, within thirty (30) days of ceasing, submit the  
11 name of a replacement physician, nurse practitioner, physician assistant, or psychiatrist of  
12 respondent's choice to the board or its designee for its prior approval. Failure to timely submit  
13 the selected practitioner or replacement practitioner to the board for approval, or to ensure the  
14 required reporting thereby on the quarterly reports, shall be considered a violation of probation.

15 If at any time an approved practitioner determines that respondent is unable to practice  
16 safely or independently as a pharmacy technician, the practitioner shall notify the board  
17 immediately by telephone and follow up by written letter within three (3) working days. Upon  
18 notification by the board or its designee of this determination, respondent shall be automatically  
19 suspended and shall not resume practice until notified by the board that practice may be resumed.

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

1 Failure to comply with any such suspension shall be considered a violation of probation.

2 **17. Notification of Departure**

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

7 **18. License Surrender While on Probation/Suspension**

8 Following the effective date of this decision, should respondent cease work due to  
9 retirement or health, or be otherwise unable to satisfy the terms and conditions of probation,  
10 respondent may tender his pharmacy technician license to the board for surrender. The board or  
11 its designee shall have the discretion whether to grant the request for surrender or take any other  
12 action it deems appropriate. Upon formal acceptance of the surrender of the license, respondent  
13 will no longer be subject to the terms and conditions of probation. This surrender constitutes a  
14 record of discipline and shall become a part of the respondent's license history with the board.

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

20 **19. Violation of Probation**

21 If respondent has not complied with any term or condition of probation, the board shall  
22 have continuing jurisdiction over respondent, and probation shall automatically be extended, until  
23 all terms and conditions have been satisfied or the board has taken other action as deemed  
24 appropriate to treat the failure to comply as a violation of probation, to terminate probation, and  
25 to impose the penalty that was stayed. If respondent violates probation in any respect, the board,  
26 after giving respondent notice and an opportunity to be heard, may revoke probation and carry out  
27 the disciplinary order that was stayed.

28 ///

1 If a petition to revoke probation or an accusation is filed against respondent during  
2 probation, the board shall have continuing jurisdiction, and the period of probation shall be  
3 automatically extended until the petition to revoke probation or accusation is heard and decided.

4 **20. Completion of Probation**

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

7  
8 ACCEPTANCE

9 I have carefully read the Stipulated Settlement and Disciplinary Order. I understand the  
10 stipulation and the effect it has on my Application for Registration as a Pharmacy Technician, and  
11 resulting License. I enter into this Stipulated Settlement and Disciplinary Order voluntarily,  
12 knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board.

13  
14 DATED: 2/26/13

Reynaldo Fernandez  
15 REYNALDO FERNANDEZ-OROZCO  
Respondent

16  
17 ENDORSEMENT

18 The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully  
19 submitted for consideration by the Board of Pharmacy of the Department of Consumer Affairs.

20  
21 Dated: 2/28/2013

Respectfully submitted,

22 KAMALA D. HARRIS  
Attorney General of California  
23 FRANK H. PACOE  
Supervising Deputy Attorney General

24  
25 Joshua A. Room  
26 JOSHUA A. ROOM  
Supervising Deputy Attorney General  
Attorneys for Complainant

27 SF2011200040  
28 40659040.doc

**Exhibit A**

**Statement of Issues No. 3946**



1 KAMALA D. HARRIS  
Attorney General of California  
2 FRANK H. PACOE  
Supervising Deputy Attorney General  
3 JOSHUA A. ROOM  
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 Statement of Issues Against: Case No. 3946

11 **REYNERIO FERNANDEZ-OROZCO**  
12 251 Ebony Way  
13 Hayward, CA 94544

**STATEMENT OF ISSUES**

14 **Applicant for Pharmacy Technician License**

15 Respondent.

16 Complainant alleges:

17 PARTIES

- 18 1. Virginia Herold (Complainant) brings this Statement of Issues solely in her official  
19 capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs.  
20 2. On or about October 21, 2009, the Board of Pharmacy, Department of Consumer  
21 Affairs received an application for an Application for Registration as a Pharmacy Technician  
22 from Reynerio Fernandez-Orozco (Respondent). On or about September 16, 2009, Reynerio  
23 Fernandez-Orozco certified under penalty of perjury to the truthfulness of all statements, answers,  
24 and representations in the application. The Board denied the application on August 18, 2010.

25 JURISDICTION

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



1           “(c) A board may deny a license regulated by this code on the ground that the applicant  
2 knowingly made a false statement of fact required to be revealed in the application . . . .”

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

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

10  
11                                         FIRST CAUSE FOR DENIAL OF APPLICATION

12                                         (Conviction of Substantially Related Crime(s))

13           8.     Respondent's application is subject to denial under the following section(s) of the  
14 Code: 480(a)(1); 480(a)(3) by reference to 4301(l); and/or 4300(c) by reference to 4301(l) and  
15 California Code of Regulations, title 16, section 1770, for conviction of a substantially related  
16 crime, in that on or about August 26, 2008, in *People v. Reyneria Fernandez-Orozco*, Case No.  
17 2370377 in San Francisco County Superior Court, Respondent was convicted of violating Vehicle  
18 Code section 23152(a) (Driving while under the influence of alcohol/drugs) and Vehicle Code  
19 section 23152(b) (Driving with blood alcohol level of 0.08% or more), both misdemeanors, and  
20 each with special allegations made pursuant to Vehicle Code section 23578 for having a blood  
21 alcohol level of 0.15% or more. The conviction was entered as follows:

22           a.     On or about June 16, 2008, based on an incident that took place on or about  
23 May 31, 2008, Respondent was charged by Misdemeanor Complaint in Case No. 2370377 under  
24 (1) Vehicle Code section 23152(a) (Driving under influence of alcohol), a misdemeanor, with a  
25 special allegation pursuant to Vehicle Code section 23578 for having a blood alcohol level of  
26 0.15% or more; and (2) Vehicle Code section 23152(b) (Driving with blood alcohol of 0.08% or  
27 more), a misdemeanor, with a special allegation pursuant to Vehicle Code section 23578 for  
28 having a blood alcohol level of 0.15% or more.

1           b.     On or about August 26, 2008, Respondent pleaded nolo contendere and was  
2 found guilty of both counts in the Complaint. Imposition of sentence was suspended in favor of  
3 an order of probation for three (3) years, on terms and conditions including credit for time served  
4 of one (1) day in County Jail, enrollment in the 3-month First Offender Program, fines and fees.

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6                                   SECOND CAUSE FOR DENIAL OF APPLICATION

7                                   (Dangerous or Injurious Use of Alcohol)

8           9.     Respondent's application is subject to denial under the following section(s) of the  
9 Code: 480(a)(3) by reference to 4301(h); and/or 4300(c) by reference to 4301(h), in that, as  
10 described in paragraph 8 above, Respondent made dangerous or injurious use of alcohol.

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12                                   THIRD CAUSE FOR DENIAL OF APPLICATION

13                                   (Conviction of Substantially Related Crime(s))

14           10.    Respondent's application is subject to denial under the following section(s) of the  
15 Code: 480(a)(1); 480(a)(3) by reference to 4301(l); and/or 4300(c) by reference to 4301(l) and  
16 California Code of Regulations, title 16, section 1770, for conviction of a substantially related  
17 crime, in that on or about January 12, 2010, in *People v. Reyneria Ivan Fernandez-Orozco*, Case  
18 No. CC964037 in Santa Clara County Superior Court, Respondent was convicted of violating (1)  
19 Vehicle Code section 23152(b) (Driving with blood alcohol level of 0.08% or more), with a prior  
20 conviction allegation regarding his 2008 conviction, a misdemeanor; (2) Vehicle Code section  
21 14601.1(a) (Driving while license suspended or revoked for specified reasons), a misdemeanor;  
22 (3) Vehicle Code section 14601.2(a) (Driving while license suspended or revoked due to DUI);  
23 and (4) Vehicle Code section 16028(a) (Failure to provide evidence of financial responsibility  
24 [proof of insurance]), an infraction. The conviction was entered as follows:

25           a.     On or about November 28, 2009, Respondent was observed driving erratically  
26 by officers of the California Highway Patrol. After he was pulled over, he exhibited signs and an  
27 odor of intoxication, and signs of impairment under Field Sobriety Testing. He also admitted to  
28 having consumed alcohol before driving. A blood test confirmed a level of 0.13% BAC.

1           b.    On or about December 14, 2009, Respondent was charged by Misdemeanor  
2 Complaint in Case No. CC964037 under (1) Vehicle Code section 23152(a) (Driving under  
3 influence of alcohol), a misdemeanor, with a prior conviction allegation; (2) Vehicle Code section  
4 23152(b) (Driving with blood alcohol of 0.08% or more), a misdemeanor, with a prior conviction  
5 allegation; (3) Vehicle Code section 14601.1(a) (Driving while license suspended or revoked for  
6 specified reasons), a misdemeanor; (4) Vehicle Code section 14601.2(a) (Driving while license  
7 suspended or revoked due to DUI); and (5) Vehicle Code section 16028(a) (Failure to provide  
8 evidence of financial responsibility [proof of insurance]), an infraction.

9           b.    On or about January 12, 2010, Respondent pleaded guilty to counts (2), (3), (4)  
10 and (5) in the Complaint. Count (1) was dismissed pursuant to plea. Imposition of sentence was  
11 suspended in favor of an order of court probation for three (3) years, on terms and conditions  
12 including forty (40) days in WWP (mandated work-release program), enrollment in the Multiple  
13 Offender Program, an Ignition Interlock Device (IID) placed on his vehicle for the three (3) year  
14 probation period, and multiple fines and fees.

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16                                 FOURTH CAUSE FOR DENIAL OF APPLICATION

17                                     (Dangerous or Injurious Use of Alcohol)

18           11.   Respondent's application is subject to denial under the following section(s) of the  
19 Code: 480(a)(3) by reference to 4301(h); and/or 4300(c) by reference to 4301(h), in that, as  
20 described in paragraph 10 above, Respondent made dangerous or injurious use of alcohol.

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22                                 FIFTH CAUSE FOR DENIAL OF APPLICATION

23                                     (Unprofessional Conduct)

24           12.   Respondent's application is subject to denial under the following section(s) of the  
25 Code: 480(a)(3) by reference to 4301; and/or 4300(c) by reference to 4301, in that, as described  
26 in paragraphs 8-11 above, Respondent engaged in unprofessional conduct.

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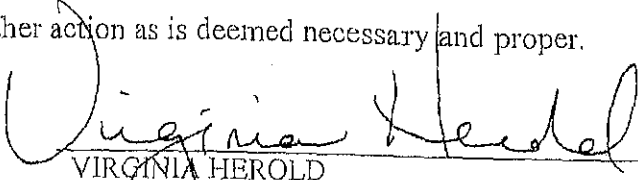
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PRAYER

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

1. Denying the application of Reynerio-Fernandez-Orozco to be a pharmacy technician;
2. Taking such other and further action as is deemed necessary and proper.

DATED: 6/21/11



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

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