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

10 In the Matter of the Accusation Against:

Case No. 4189

11 **MANUEL JOSEPH TERESI**
12 **165 Monroe Street, No. 14**
13 **Santa Clara, CA 95050**

DEFAULT DECISION AND ORDER

[Gov. Code, §11520]

Pharmacy Technician License No. TCH 5512

Respondent.

14 FINDINGS OF FACT

15 1. On or about April 9, 2012, Complainant Virginia Herold, in her official capacity as
16 the Executive Officer of the Board of Pharmacy (Board), Department of Consumer Affairs, filed
17 Accusation No. 4189 against Manuel Joseph Teresi (Respondent) before the Board of Pharmacy.
18 (A copy of the Accusation is attached as exhibit A.)

19 2. On or about March 9, 1993, the Board issued Pharmacy Technician License No. TCH
20 5512 to Respondent. The License was in full force and effect at all times relevant to the charges
21 brought in Accusation No. 4189 and will expire on September 30, 2012, unless renewed.

22 3. On or about April 18, 2012, Respondent was served by Certified and First Class Mail
23 with copies of: Accusation No. 4189; a Statement to Respondent, a Notice of Defense; a Request
24 for Discovery; and Discovery Statutes (Gov.Code, §§ 11507.5, 11507.6, 11507.7) at Respondent's
25 address of record, which was and is: 165 Monroe Street, No. 14, Santa Clara, CA 95050.

26 4. Pursuant to Business and Professions Code section 136 and/or 4100, and/or California
27 Code of Regulations, title 16, section 1704, Respondent's address of record, and any changes
28 thereto, are required to be reported and maintained with the Board of Pharmacy (Board).

1 3. The Board of Pharmacy is authorized to revoke Respondent's Pharmacy Technician
2 License based upon the following violations alleged in the Accusation which are supported by the
3 evidence contained in the Default Decision Evidence Packet in this case:

4 a. Respondent's License is subject to revocation pursuant to Business and Professions
5 Code section 822, based on mental or physical illness affecting competency, because in or about
6 March 2011 Respondent engaged in a series of uncomfortable and/or threatening encounters with
7 a (female) neighbor, which culminated with Respondent's entry into the neighbor's apartment, on
8 or about March 21, 2011, and removal of all of his clothing. Respondent subsequently spoke with
9 investigating police officers without any clothing on. He was arrested and subsequently charged
10 with violating Penal Code section 314.1 (Indecent Exposure After Unlawful Entry), a felony. But
11 on or about June 13, 2011 and/or August 17, 2011, a determination was made that Respondent
12 was not mentally competent to stand trial, and proceedings in the criminal case were stayed.

13 b. Respondent's License is subject to revocation pursuant to Business and Professions
14 Code section 4301, subdivision (l), for conviction of a substantially related crime, because on or
15 about August 23, 2010, in *People v. Manuel Joseph Teresi*, Case No. C1067062 in Santa Clara
16 County Superior Court, Respondent was convicted of violating Vehicle Code section 23152,
17 subdivision (b) (Driving with a Blood Alcohol Level of 0.08% or more), a misdemeanor.

18 c. Respondent's License is subject to revocation pursuant to Business and Professions
19 Code section 4301, subdivision (l), for conviction of a substantially related crime, because on or
20 about August 23, 2010, in *People v. Manuel Joseph Teresi*, Case No. C1074269 in Santa Clara
21 County Superior Court, Respondent was convicted of violating Vehicle Code section 14601.5,
22 subdivision (a) (Driving With Revoked or Suspended License), a misdemeanor.

23 d. Respondent's License is subject to revocation pursuant to Business and Professions
24 Code section 4301, because Respondent, as described above, engaged in unprofessional conduct.

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ORDER

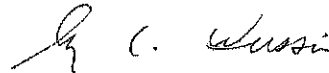
IT IS SO ORDERED that Pharmacy Technician License No. TCH 5512, heretofore issued to Respondent Manuel Joseph Teresi, is revoked.

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 October 22, 2012.

It is so ORDERED ON September 21, 2012

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA



By _____

STANLEY C. WEISSER
Board President

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DOJ Matter ID:SF2011203345

Attachment:
Exhibit A: Accusation

Exhibit A

Accusation

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Attorneys for Complainant

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

10 In the Matter of the Accusation Against:

Case No. 4189

11 **MANUEL JOSEPH TERESI**
12 **165 Monroe Street, No. 14**
13 **Santa Clara, CA 95050**

A C C U S A T I O N

14 **Pharmacy Technician License No. TCH 5512**

15 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 9, 1993, the Board of Pharmacy issued Pharmacy Technician
21 License Number TCH 5512 to Manuel Joseph Teresi (Respondent). The Pharmacy Technician
22 License was in full force and effect at all times relevant to the charges brought herein and will
23 expire on September 30, 2012, unless renewed.

24
25 JURISDICTION

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

1 b. The victim further reported that this incident culminated a series of uncomfortable
2 and/or threatening encounters with Respondent, who had expressed romantic interest in the victim
3 for at least two years. The victim reported that over the last few months, Respondent had begun
4 to make obscene and explicit comments to the victim, and veiled threats. The victim also told the
5 police that approximately two weeks prior to March 21, 2011, her house key and mailbox key had
6 disappeared from her keychain, and that on March 20, 2011, the victim returned home to find the
7 Respondent standing in front of her door. On March 21, 2011, at approximately 12:55 a.m., the
8 victim awoke from being asleep in her bedroom with the bedroom door closed to find Respondent
9 inside her apartment, completely naked. After the victim yelled at him to leave, Respondent put
10 on a pair of sweatpants and returned to his apartment next door.

11 c. When police went to Respondent's apartment after speaking with the victim, he
12 answered the door completely naked. The police instructed him to put on pants, which he did.
13 Respondent was arrested on suspicion of crimes including Stalking (Penal Code section 646.9),
14 Burglary (Penal Code section 459), and Indecent Exposure (Penal Code section 314).

15 d. On or about March 23, 2011, in a criminal case titled *People v. Manuel Joseph*
16 *Teresi*, Santa Clara County Superior Court Case No. C1103288, Respondent was charged by a
17 Felony Complaint with violating Penal Code section 314.1 (Indecent Exposure After Unlawful
18 Entry), a felony. But then on or about June 13, 2011, further proceedings in the criminal case
19 were ordered suspended pursuant to Penal Code section 1368, based on an expression of doubt as
20 to Respondent's mental competence, pending a hearing on the question of Respondent's mental
21 competence to be conducted pursuant to Penal Code sections 1368.1 and 1369.

22 e. On or about August 17, 2011, an order entered in the criminal case committed the
23 Respondent to the custody of the California Department of Mental Health for a term of up to three
24 (3) years, and ordered him transported to the state hospital no later than September 16, 2011. The
25 case was scheduled for a further review of Respondent's custody status on January 13, 2013.

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1 d. On or about November 15, 2010, Respondent's criminal probation in Case No.
2 C1067062 was revoked, then reinstated with modified terms requiring Respondent to serve eight
3 (8) days in jail, and enter a payment plan for payment of fines and fees.

4
5 THIRD CAUSE FOR DISCIPLINE

6 (Conviction of Substantially Related Crime(s))

7 13. Respondent is subject to discipline under section 4301(l) and/or section 490 of the
8 Code, by reference to California Code of Regulations, title 16, section 1770, for the conviction of
9 a substantially related crime, in that on or about August 23, 2010, in the criminal case *People v.*
10 *Manuel Joseph Teresi*, Case No. C1074269 in Santa Clara County Superior Court, Respondent
11 was convicted of violating Vehicle Code section 14601.5, subdivision (a) (Driving With Revoked
12 or Suspended License), a misdemeanor. The conviction was entered as follows:

13 a. On or about March 21, 2010, Respondent was stopped by San Jose Police while
14 driving a car with a broken tail light. He was given a Notice to Appear for suspicion of driving
15 while his license to drive was revoked or suspended, and for the broken tail light.

16 b. On or about August 23, 2010, Respondent pleaded guilty to the first of these
17 charges, violation of Vehicle Code section 14601.5, subdivision (a) (Driving With Revoked or
18 Suspended License), a misdemeanor. The second count was dismissed per the plea. Imposition
19 of sentence was suspended in favor of a period of court probation of two (2) years, on terms and
20 conditions including payment of fines and fees.

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22 FOURTH CAUSE FOR DISCIPLINE

23 (Unprofessional Conduct)

24 14. Respondent is subject to discipline under section 4301 of the Code in that
25 Respondent, as described in paragraphs 11 to 13 above, engaged in unprofessional conduct.

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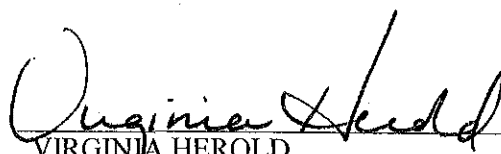
PRAYER

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. Revoking or suspending Pharmacy Technician License Number TCH 5512, issued to Manuel Joseph Teresi (Respondent);
2. Ordering Respondent to pay the Board 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 is deemed necessary and proper.

DATED: _____

4/9/12



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

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