

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

In the Matter of the Accusation Against:

Case No. 4320

ANTHONY T. ROMERO
1054 W. 12th Street
San Pedro, CA 90731

Pharmacy Technician Registration No.
TCH 68632

Respondent.

DECISION AND ORDER

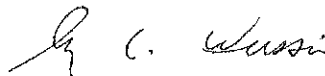
The attached Stipulated Surrender of License and Order is hereby adopted by the Board of Pharmacy, Department of Consumer Affairs, as its Decision in this matter.

This decision shall become effective on May 31, 2013.

It is so ORDERED on May 1, 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 GLORIA A. BARRIOS
Supervising Deputy Attorney General
3 MICHAEL BROWN
Deputy Attorney General
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7 Attorneys for Complainant

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

12 In the Matter of the Accusation Against:

Case No. 4320

13 **ANTHONY T. ROMERO**
1054 W. 12th Street
14 San Pedro, CA 90731
Pharmacy Technician Registration No. TCH
68632

**STIPULATED SURRENDER OF
LICENSE AND ORDER**

15 Respondent.

16
17 IT IS HEREBY STIPULATED AND AGREED by and between the parties in this
18 proceeding that the following matters are true:

19 **PARTIES**

20 1. Virginia Herold (Complainant) is the Executive Officer of the Board of Pharmacy.
21 She brought this action solely in her official capacity and is represented in this matter by Kamala
22 D. Harris, Attorney General of the State of California, by Michael Brown, Deputy Attorney
23 General.

24 2. Anthony T. Romero (Respondent) is representing himself in this proceeding and has
25 chosen not to exercise his right to be represented by counsel.

26 3. On or about April 18, 2006, the Board of Pharmacy issued Pharmacy Technician
27 Registration No. TCH 68632 to Anthony T. Romero (Respondent). The Pharmacy Technician
28

1 Registration was in full force and effect at all times relevant to the charges brought in Accusation
2 No. 4320 and will expire on September 30, 2013, unless renewed.

3 **JURISDICTION**

4 4. Accusation No. 4320 was filed before the Board of Pharmacy (Board), Department of
5 Consumer Affairs, and is currently pending against Respondent. The Accusation and all other
6 statutorily required documents were properly served on Respondent on November 27, 2012.
7 Respondent timely filed his Notice of Defense contesting the Accusation. A copy of Accusation
8 No. 4320 is attached as Exhibit A and incorporated by reference.

9 **ADVISEMENT AND WAIVERS**

10 5. Respondent has carefully read, and understands the charges and allegations in
11 Accusation No. 4320. Respondent also has carefully read, and understands the effects of this
12 Stipulated Surrender of License and Order.

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

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

22 **CULPABILITY**

23 8. Respondent admits the truth of each and every charge and allegation in Accusation
24 No. 4320, agrees that cause exists for discipline and hereby surrenders his Pharmacy Technician
25 Registration No. TCH 68632 for the Board's formal acceptance.

26 9. Respondent understands that by signing this stipulation he enables the Board to issue
27 an order accepting the surrender of his Pharmacy Technician Registration without further process.

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CONTINGENCY

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2 10. 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 surrender, without notice to or
5 participation by Respondent. By signing the stipulation, Respondent understands and agrees that
6 he may not withdraw his agreement or seek to rescind the stipulation prior to the time the Board
7 considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order,
8 the Stipulated Surrender and Disciplinary Order shall be of no force or effect, except for this
9 paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not
10 be disqualified from further action by having considered this matter.

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

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

20 13. In consideration of the foregoing admissions and stipulations, the parties agree that
21 the Board may, without further notice or formal proceeding, issue and enter the following Order:

ORDER

22
23 IT IS HEREBY ORDERED that Pharmacy Technician Registration No. TCH 68632, issued
24 to Respondent Anthony T. Romero, is surrendered and accepted by the Board of Pharmacy.

25 1. The surrender of Respondent's Pharmacy Technician Registration and the acceptance
26 of the surrendered license by the Board shall constitute the imposition of discipline against
27 Respondent. This stipulation constitutes a record of the discipline and shall become a part of
28 Respondent's license history with the Board of Pharmacy.

1 DATED: 2-23-13



2 ANTHONY T. ROMERO
3 Respondent


4 **ENDORSEMENT**

5 The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted
6 for consideration by the Board of Pharmacy of the Department of Consumer Affairs.

7 Dated: February 23, 2013

8 Respectfully submitted,

9 KAMALA D. HARRIS
10 Attorney General of California
11 GLORIA A. BARRIOS
12 Supervising Deputy Attorney General



13 MICHAEL BROWN,
14 Deputy Attorney General
15 *Attorneys for Complainant*

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Exhibit A

Accusation No. 4320

1 KAMALA D. HARRIS
GLORIA A. BARRIOS
2 Supervising Deputy Attorney General
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3 Deputy Attorney General
State Bar No. 231237
4 300 So. Spring Street, Suite 1702
Los Angeles, CA. 90013
5 Telephone: (213) 897-2095
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6 *Attorneys for Complainant*

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

10 In the Matter of the Accusation Against:	Case No. 4320
11 ANTHONY T. ROMERO	ACCUSATION
12 1054 W. 12th Street	
13 San Pedro, CA 90731	
14 Pharmacy Technician Registration	
15 No. TCH 68632	
16 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 April 18, 2006, the Board of Pharmacy (Board) issued Pharmacy
21 Technician Registration No. TCH 68632 to Anthony T. Romero (Respondent). The Pharmacy
22 Technician Registration was in full force and effect at all times relevant to the charges brought
23 herein and will expire on September 30, 2013, unless renewed.

24 **JURISDICTION**

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

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STATUTORY PROVISIONS

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4. Section 118, subdivision (b) provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued or reinstated.

5. Section 490 states, in pertinent part:

"(a) In addition to any other action that a board is permitted to take against a licensee, a board may suspend or revoke a license on the ground that the licensee has been convicted of a crime, if the crime is substantially related to the qualifications, functions, or duties of the business or profession for which the license was issued.

"(b) Notwithstanding any other provision of law, a board may exercise any authority to discipline a licensee for conviction of a crime that is independent of the authority granted under subdivision (a) only if the crime is substantially related to the qualifications, functions, or duties of the business or profession for which the licensee's license was issued.

"(c) A conviction within the meaning of this section means a plea or verdict of guilty or a conviction following a plea of nolo contendere. Any action that a board is permitted to take following the establishment of a conviction may be taken 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 the provisions of Section 1203.4 of the Penal Code."

6. Section 4300 provides, in pertinent part, that every license issued by the Board is subject to discipline, including suspension or revocation.

7. Section 4301 states, in pertinent part:

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

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1 licensee or registrant to perform the functions authorized by his license or registration in a manner
2 consistent with the public health, safety, or welfare."

3 COST RECOVERY

4 9. Section 125.3 states, in pertinent part, that the Board may request the administrative
5 law judge to direct a licentiate found to have committed a violation or violations of the licensing
6 act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the
7 case.

8 10. CONTROLLED SUBSTANCE

9 "Marijuana," is a schedule I controlled substance as defined in Health and Safety Code
10 section 11054, subdivision (d)(13) and is categorized a dangerous drug pursuant to section 4022.

11 FIRST CAUSE FOR DISCIPLINE

12 (Conviction of a Substantially Related Crime)

13 11. Respondent is subject to disciplinary action under section 4301, subdivision (l) and
14 490, in conjunction with California Code of Regulations, title 16, section 1770, in that
15 Respondent was convicted of a crime substantially related to the qualifications, functions, and
16 duties of a pharmacy technician. On or about January 20, 2011, after pleading nolo contendere,
17 Respondent was convicted of one felony count of violating Penal Code section 12021,
18 subdivision (a)(1) [felon in possession of a firearm] in the criminal proceeding entitled *The*
19 *People of the State of California v. Anthony Tod Romero* (Super. Ct. Los Angeles County, 2011,
20 No. NA087752). The Court sentenced Respondent to serve 16 months in State Prison and denied
21 probation. The circumstances surrounding the conviction are that on or about January 10, 2011,
22 Respondent was contacted by the Los Angeles Police Department. When asked if he was in
23 possession of any firearms, Respondent replied, "Yes." The officer conducted a search of his
24 person and found a Rossi, six-shot revolver that was unloaded.

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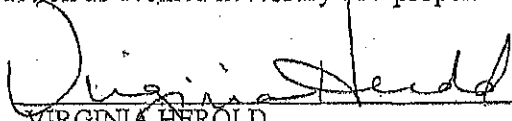
1 April 9, 2009, during an investigation by the Los Angeles Police Department, Respondent was
2 contacted. The officers detected a strong smell of Marijuana as they approached Respondent.
3 When asked what he was doing, Respondent stated, "just finished smoking some weed sir."
4 When asked if there was any Marijuana on his person or the vehicle, Respondent told the officer
5 there was a "roach" in the ashtray. During a search of the vehicle, the officer recovered the burnt
6 Marijuana cigarette from the ashtray and a small black semi-automatic handgun from the rear of
7 the vehicle, which belonged to Respondent. Respondent was subsequently arrested for violating
8 Penal Code section 12031, subdivision (a)(1) [carrying a loaded firearm].

9 PRAYER

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

- 12 1. Revoking or suspending Pharmacy Technician Registration No. TCH 68632, issued
13 to Respondent;
- 14 2. Ordering Respondent to pay the Board the reasonable costs of the investigation and
15 enforcement of this case, pursuant to section 125.3;
- 16 3. Taking such other and further action as deemed necessary and proper.

17 DATED: 11/19/12

18 
19 VIRGINIA HEROLD
20 Executive Officer
21 Board of Pharmacy
22 Department of Consumer Affairs
23 State of California
24 Complainant

25 LA2012506977
26 51144404.doc
27 mc (9/25/12)