

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

In the Matter of the Accusation Against:

JESSE SANDOVAL

13715 Shablow
Sylmar, CA 91342

Pharmacy Technician Registration
No. TCH 32059

Respondent.

Case No. 4403

OAH No. 2013080585

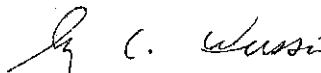
DECISION AND ORDER

The attached Proposed Decision of the Administrative Law Judge is hereby adopted by the Board of Pharmacy, Department of Consumer Affairs, as its Decision in this matter.

This decision shall become effective on April 7, 2014.

It is so ORDERED on March 6, 2014.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA



By

STAN C. WEISSER
Board President

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

In the Matter of the Accusation Against:

JESSE SANDOVAL

Pharmacy Technician Registration
No. TCH 32059,
Respondent.

Case No. 4403

OAH No. 2013080585

PROPOSED DECISION

Jennifer M. Russell, Administrative Law Judge, Office of Administrative Hearings, State of California, heard this matter in Los Angeles, California on January 30, 2014.

Cristina Felix, Deputy Attorney General, represented complainant Virginia Herold, Executive Officer of the Board of Pharmacy (Board), Department of Consumer Affairs. Respondent Jesse Sandoval represented himself.

Testimonial and documentary evidence was received, the case argued, and the matter submitted for decision on January 30, 2014. The Administrative Law Judge makes the following Factual Findings, Legal Conclusions, and Order.

FACTUAL FINDINGS

1. Complainant made the Accusation while acting in her official capacity.
2. On January 12, 2000, the Board issued Pharmacy Technician Registration number TCH 32059 to respondent Jesse Sandoval, which was in full force and effect at all relevant times. The license has no history of discipline. The license expires June 30, 2015.
3. On July 25, 2011, in the Superior Court of California, County of Los Angeles, in case number PA071018, respondent pled guilty to violating Health and Safety Code section 11350, subdivision (a) (possession of a controlled substance), a felony. The court found that there was a factual basis for respondent's plea and deferred entry of judgment for a period of 36 months on condition that, among other things, respondent complete a drug diversion program. On March 26, 2012, respondent filed proof of completion of a drug

diversion program with the court. Respondent was next scheduled to appear before the court on January 22, 2013 regarding the termination or dismissal of the deferred judgment; however, no evidence of any final judgment for the case was produced at the hearing.

4. This facts surrounding respondent's plea are as follows: on July 21, 2011, Los Angeles Police Officer Luis Muro and his partner observed respondent in the middle of the street in violation of Vehicle Code section 21956, subdivision (a) (pedestrian on roadway), talking to the driver of a stopped vehicle. Officer Muro's credible testimony at the hearing established that when respondent noticed the officers' presence, respondent commented to the driver, who in turn drove away from the scene. Officer Muro attempted to detain respondent to ticket him for violating the Vehicle Code, but respondent attempted to leave the area, first walking away, and then jogging away. Officer Muro commanded respondent to stop, and when respondent did so, Officer Muro handcuffed respondent and conducted a search of respondent's clothing, from which he recovered a plastic bag containing an off-white powder substance. Officer Muro testified that respondent told him "It's cocaine, Sir, I just wanted to party tonight." A July 22, 2011 Los Angeles Police Department Scientific Investigation Division Laboratory Report identified the off-white powder substance as cocaine.

5. Respondent's possession of cocaine, a controlled substance, is substantially related to the qualifications, functions, or duties of a pharmacy technician which include the mixing, packaging, labeling, furnishing, dispensing, and administering of drug therapies as set forth below in Legal Conclusions 1 through 3, inclusive.

6. Joan Coyne, a licensed pharmacist serving as a Supervising Inspector with responsibilities for investigating complaints about narcotic use, credibly testified that pharmacy technicians with histories of cocaine possession present a risk of harm to the public because such technicians have access to addicting substances. Inspector Coyne testified such pharmacy technicians are known to appropriate or divert drugs from pharmacies for their personal use or for trade with others in return for street drugs.

7. Respondent did not testify at the hearing, and he offered no mitigating or rehabilitative evidence.

8. The Board incurred prosecution costs in the amount of \$2,860. These costs are reasonable pursuant to Business and Professions Code section 125.3.

9. No evidence regarding respondent's financial ability to pay a cost award was presented at the hearing

//

//

LEGAL CONCLUSIONS

Qualifications, Function, and Duties of a Pharmacy Technician

1. Business and Professions Code¹ section 4038 provides that a “Pharmacy technician” means an individual who assists a pharmacist in a pharmacy in the performance of his or her pharmacy related duties, as specified in Section 4115.”

2. Section 4115 provides, in part, the following:

(a) A pharmacy technician may perform packaging, manipulative, repetitive, or other nondiscretionary tasks, only while assisting, and while under the direct supervision and control of a pharmacist.

[¶] . . . [¶]

(e) No person shall act as a pharmacy technician without first being licensed by the board as a pharmacy technician.

3. Among other things, pharmacists order, furnish, dispense, and administer drug therapies. (See e.g. Bus. & Prof. Code, §§ 4052, 4052.1, 4052.2, 4052.3, 4052.5, and 4052.7.) Pursuant to section 4115, subdivision (a), a pharmacy technician may assist a pharmacist performing those functions.

Statutory Authority to Suspend or Revoke a Pharmacy Technician License

4. The Board is authorized to take disciplinary action against any licensee who is guilty of “unprofessional conduct.” Unprofessional conduct includes, but is not limited to, the following:

(f) The commission of any act involving moral turpitude, dishonesty, fraud, deceit, or corruption, whether the act is committed in the course of relations as a licensee or otherwise, and whether the act is a felony or misdemeanor or not.

[¶] . . . [¶]

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

[¶] . . . [¶]

¹ Unless otherwise specified, all statutory references are to the Business and Professions Code.

(o) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of or conspiring to violate any provision or term of . . . [the Pharmacy Law] or of the applicable federal and state laws and regulations governing pharmacy, including regulations established by the board or by any other state or federal regulatory agency.

(Bus. & Prof. Code, §§ 4300 and 4301.)

5. The “successful completion of any diversion program under the Penal Code . . . shall not prohibit [the Board] . . . from taking disciplinary action against a licensee . . . for professional misconduct, notwithstanding that evidence of that misconduct may be recorded in a record pertaining to an arrest.” (Bus. & Prof. Code, § 492.)

6. It is unlawful to possess any controlled substance in California without the written prescription of a physician or other authorized prescriber. (Health & Saf. Code, §§ 11350, subd. (a), and 11377, subd. (a).)

7. An “act shall be considered to be substantially related to the qualifications, functions, or duties of a licensee if to a substantial degree it evidences present or potential unfitness to perform the functions authorized by the license in a manner consistent with the public health, safety, and welfare.” (Cal. Code Regs., tit. 16, § 1770.)

8. With respect to the First Cause for Discipline (Unlawful Possession of a Controlled Substance) alleged in the Accusation, grounds exist to suspend or revoke Pharmacy Technician Registration number TCH 32059 issued to respondent Jesse Sandoval pursuant to Business and Professions Code sections 4300 and 4301, subdivision (o), and California Code of Regulations, title 16, section 1770, in that respondent possessed cocaine in violation of the Pharmacy Law and other applicable state law and regulations, as set forth in Factual Findings 3 and 4.

9. With respect to the Second Cause for Discipline (Violating Drug Statutes) alleged in the Accusation, grounds exist to suspend or revoke Pharmacy Technician Registration number TCH 32059 issued to respondent Jesse Sandoval pursuant to Business and Professions Code sections 4300 and 4301, subdivision (j), and Health and Safety Code section 11377, subdivision (a), in that respondent possessed a controlled substance, cocaine, without a valid prescription, as set forth in Factual Finding 4.

10. With respect to the Third Cause for Discipline (Acts Involving Moral Turpitude, Dishonesty, Fraud, Deceit and/or Corruption) alleged in the Accusation, grounds do not exist to suspend or revoke Pharmacy Technician Registration number TCH 32059 issued to respondent Jesse Sandoval pursuant to Business and Professions Code sections 4300 and 4301, subdivision (f), in that the evidence failed to establish that respondent’s possession of cocaine involved fraudulent intent, or intentional dishonesty for personal gain, or corruption to constitute moral turpitude. Simple possession of a controlled substance is not in of itself indicative of moral turpitude. (See e.g. *Golde v. Fox* (1979) 98 Cal.App.3d

167, 185 noting that “moral turpitude is inherent in crimes involving fraudulent intent, intentional dishonesty for purposes of personal gain or other corrupt purposes, but not in other crimes which neither intrinsically reflect similar inimical factors nor demonstrate a level of ethical transgression so as to render the actor unfit or unsuitable to serve the interests of the public in the licensed activity.)

11. The Fourth Cause for Discipline (Violation of Pharmacy Act) alleged in the Accusation is redundant in light of the allegations in the First Cause for Discipline and Legal Conclusion 8, set forth above. Thus, the Fourth Cause for Discipline warrants no additional determination.

12. A determination that grounds exit to suspend or revoke respondent’s pharmacy technician registration does not end the inquiry. Such cause may be overcome with substantial, persuasive evidence of rehabilitation and good character. The Board has compiled a list of factors to evaluate whether a licensee has been rehabilitated from prior misconduct. That list, found in *A Manual of Disciplinary Guidelines and Model Disciplinary Orders* (Revised 10/2007) (*Disciplinary Guidelines*), and which is incorporated by reference into the Board’s regulations,² includes the nature and severity of the act under consideration; the actual or potential harm to any consumer or to the public; a licensee’s prior disciplinary record; aggravating evidence; rehabilitation evidence; the licensee’s compliance with the terms of any sentence, probation, or parole; the time that has elapsed since commission of the act; and evidence of dismissal of any conviction under Penal Code section 1203.4.

13. More than two years have elapsed since respondent’s conviction for possession of cocaine, a controlled substance. He has complied with the terms of his deferred sentence by successfully completing a drug diversion program. Respondent, however, has offered no evidence of his rehabilitation, and, through its expert’s testimony at hearing, the Board has established that pharmacy technicians, such as respondent, with a history of possessing controlled substances pose a risk of harm to the public. (Factual Finding 6.) Under these circumstances, protection of public health and safety mandates a revocation of Pharmacy Technician Registration number TCH 32059. (See *Disciplinary Guidelines* at p. 43.)

14. Cause exits pursuant to Business and Professional Code section 125.3 to order respondent to pay the Board’s costs of prosecution set forth in Factual Finding 8.

15. Under *Zuckerman v. State Board of Chiropractic Examiners* (2002) 29 Cal. App. 4th 32, 45, the Board must make a determination regarding respondent’s financial ability to make future cost award payments. There was no evidence in this matter whether respondent is financially able to make payments of the Board’s costs of prosecution. Under these circumstances, it is appropriate to defer the Board’s recovery of its costs of prosecution to that time when, if at all, respondent seeks reinstatement of his pharmacy technician registration.

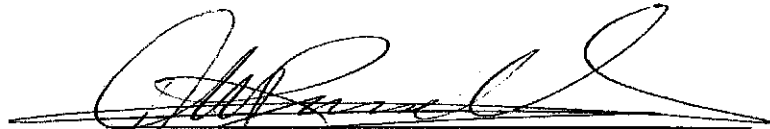
² Cal. Code Regs., tit 16, § 1760.

ORDER

1. Pharmacy Technician Registration number TCH 32059 issued to respondent Jesse Sandoval is revoked.

2. In the event that the Board reinstates Pharmacy Technician Registration number TCH32059, respondent Jesse Sandoval shall pay the Board its costs of prosecution in the amount of \$2,860.

DATED: January 31, 2014



JENNIFER M. RUSSELL
Administrative Law Judge
Office of Administrative Hearings

1 KAMALA D. HARRIS
Attorney General of California
2 GREGORY J. SALUTE
Supervising Deputy Attorney General
3 CRISTINA FELIX
Supervising Deputy Attorney General
4 State Bar No. 195663
300 So. Spring Street, Suite 1702
5 Los Angeles, CA 90013
Telephone: (213) 897-2455
6 Facsimile: (213) 897-2804

7 *Attorneys for Complainant*

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

11 In the Matter of the Accusation Against:
12 **JESSE SANDOVAL**
13 13715 Shablow
Sylmar, CA 91342
14 Pharmacy Technician Registration No. TCH
32059
15
16 Respondent.

Case No. 4403

ACCUSATION

17
18 Complainant alleges:

19 **PARTIES**

- 20 1. Virginia Herold (Complainant) brings this Accusation solely in her official capacity
21 as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs (Board).
22 2. On or about January 12, 2000, the Board issued Pharmacy Technician Registration
23 No. TCH 32059 to Jesse Sandoval (Respondent). The Pharmacy Technician Registration was in
24 full force and effect at all times relevant to the charges brought herein and expired on June 30,
25 2013, and has not been renewed.

26 ///

27 ///

28

1 **JURISDICTION**

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

4 4. Section 4300.1 states:

5 The expiration, cancellation, forfeiture, or suspension of a board-issued license by
6 operation of law or by order or decision of the board or a court of law, the placement
7 of a license on a retired status, or the voluntary surrender of a license by a licensee
8 shall not deprive the board of jurisdiction to commence or proceed with any
9 investigation of, or action or disciplinary proceeding against, the licensee or to render
10 a decision suspending or revoking the license.

11 5. Section 118, subdivision (b), states that the suspension, expiration, surrender, or
12 cancellation of a license shall not deprive the Board jurisdiction to proceed with a disciplinary
13 action during the period within which the license may be renewed, restored, reissued or
14 reinstated.

15 **STATUTORY PROVISIONS**

16 6. Section 492 states:

17 Notwithstanding any other provision of law, successful completion of any diversion
18 program under the Penal Code, or successful completion of an alcohol and drug
19 problem assessment program under Article 5 (commencing with section 23249.50) of
20 Chapter 12 of Division 11 of the Vehicle Code, shall not prohibit any agency
21 established under Division 2 ([Healing Arts] commencing with Section 500) of this
22 code, or any initiative act referred to in that division, from taking disciplinary action
23 against a licensee or from denying a license for professional misconduct,
24 notwithstanding that evidence of that misconduct may be recorded in a record
25 pertaining to an arrest.

26 This section shall not be construed to apply to any drug diversion program operated
27 by any agency established under Division 2 (commencing with Section 500) of this
28 code, or any initiative act referred to in that division.

7. Section 4022 states:

"Dangerous drug" or "dangerous device" means any drug or device unsafe for
self-use in humans or animals, and includes the following:

(a) Any drug that bears the legend: "Caution: federal law prohibits dispensing
without prescription," "Rx only," or words of similar import.

(b) Any device that bears the statement: "Caution: federal law restricts this
device to sale by or on the order of a _____," "Rx only," or words of similar
import, the blank to be filled in with the designation of the practitioner licensed to use
or order use of the device.

///

1 (c) Any other drug or device that by federal or state law can be lawfully
dispensed only on prescription or furnished pursuant to Section 4006.

2 8. Section 4060 states:

3 No person shall possess any controlled substance, except that furnished to a person
4 upon the prescription of a physician, dentist, podiatrist, optometrist, veterinarian, or
naturopathic doctor pursuant to Section 3640.7, or furnished pursuant to a drug order
5 issued by a certified nurse-midwife pursuant to Section 2746.51, a nurse practitioner
pursuant to Section 2836.1, or a physician assistant pursuant to Section 3502.1, or
6 naturopathic doctor pursuant to Section 3640.5, or a pharmacist pursuant to either
subparagraph (D) of paragraph (4) of, or clause (iv) of subparagraph (A) of paragraph
7 (5) of, subdivision (a) of Section 4052. This section shall not apply to the possession
of any controlled substance by a manufacturer, wholesaler, pharmacy, pharmacist,
8 physician, podiatrist, dentist, optometrist, veterinarian, naturopathic doctor, certified
nurse-midwife, nurse practitioner, or physician assistant, when in stock in containers
9 correctly labeled with the name and address of the supplier or producer.

10 Nothing in this section authorizes a certified nurse-midwife, a nurse practitioner, a
physician assistant, or a naturopathic doctor, to order his or her own stock of
dangerous drugs and devices.

11 9. Section 4300, subdivision (a), states that "[e]very license issued may be suspended or
12 revoked."

13 10. Section 4301 states, in pertinent part:

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

17

18 (f) The commission of any act involving moral turpitude, dishonesty, fraud,
deceit, or corruption, whether the act is committed in the course of relations as a
19 licensee or otherwise, and whether the act is a felony or misdemeanor or not.

20

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

22

23 (l) The conviction of a crime substantially related to the qualifications,
24 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
25 States Code regulating controlled substances or of a violation of the statutes of this
state regulating controlled substances or dangerous drugs shall be conclusive
26 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
27 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
28 substances or dangerous drugs, to determine if the conviction is of an offense

1 substantially related to the qualifications, functions, and duties of a licensee under this
2 chapter. A plea or verdict of guilty or a conviction following a plea of nolo
3 contendere is deemed to be a conviction within the meaning of this provision. The
4 board may take action when the time for appeal has elapsed, or the judgment of
5 conviction has been affirmed on appeal or when an order granting probation is made
6 suspending the imposition of sentence, irrespective of a subsequent order under
7 Section 1203.4 of the Penal Code allowing the person to withdraw his or her plea of
8 guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or
9 dismissing the accusation, information, or indictment.

10

11 (o) Violating or attempting to violate, directly or indirectly, or assisting in or
12 abetting the violation of or conspiring to violate any provision or term of this chapter
13 or of the applicable federal and state laws and regulations governing pharmacy,
14 including regulations established by the board or by any other state or federal
15 regulatory agency.

16 REGULATORY PROVISIONS

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

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

25 DRUG STATUTES

26 12. Health and Safety Code section 11170 states that "[n]o person shall prescribe,
27 administer, or furnish a controlled substance for himself."

28 13. Health and Safety Code section 11173, subdivision (a), states that "[n]o person shall
obtain or attempt to obtain controlled substances, or procure or attempt to procure the
administration of or prescription for controlled substances, (1) by fraud, deceit, misrepresentation,
or subterfuge; or (2) by the concealment of a material fact."

14. Health and Safety Code section 11350, subdivision (a), states:

Except as otherwise provided in this division, every person who possesses (1) any
controlled substance specified in subdivision (b) or (c), or paragraph (1) of
subdivision (f) of Section 11054, specified in paragraph (14), (15), or (20) of
subdivision (d) of Section 11054, or specified in subdivision (b) or (c) of Section
11055, or specified in subdivision (h) of Section 11056, or (2) any controlled
substance classified in Schedule III, IV, or V which is a narcotic drug, unless upon
the written prescription of a physician, dentist, podiatrist, or veterinarian licensed to
practice in this state, shall be punished by imprisonment in the state prison.

///

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

15. Health and Safety Code section 11377, subdivision (a), states:

Except as authorized by law and as otherwise provided in subdivision (b) or Section 11375, or in Article 7 (commencing with Section 4211) of Chapter 9 of Division 2 of the Business and Professions Code, every person who possess any controlled substance which is (1) classified in Schedule III, IV, or V, and which is not a narcotic drug, (2) specified in subdivision (d) of Section 11054, except paragraphs (13), (14), (15), and (20) of subdivision (d), (3) specified in paragraph (11) of subdivision (c) of Section 11056, (4) specified in paragraph (2) or (3) of subdivision (f) of Section 11054, or (5) specified in subdivision (d), (e), or (f) of Section 11055, unless upon the prescription of a physician, dentist, podiatrist, or veterinarian, licensed to practice in this state, shall be punished by imprisonment in a county jail for a period of not more than one year or in the state prison.

COST RECOVERY

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

CONTROLLED SUBSTANCE/DANGEROUS DRUG

17. **Cocaine**, and any cocaine base, is a narcotic drug according to Health and Safety Code section 11019(e). It is a Schedule I controlled substance, as designated in Health and Safety Code section 11054(f)(1), and a Schedule II controlled substance, as designated in Health Safety Code section 11055(b)(6). It is categorized as a dangerous drug according to Business and Professions Code section 4022.

FIRST CAUSE FOR DISCIPLINE

(Unlawful Possession of a Controlled Substance)

18. Respondent is subject to disciplinary action under sections 4300 and 4301, subdivision (o), on the grounds of unprofessional conduct, in that on July 21, 2011, Respondent was found to be in possession of a controlled substance and dangerous drug, without a valid prescription as follows:

///
///
///

1 a. On or about July 21, 2011, Los Angeles Police Department Officers, while on duty,
2 were driving through a residential area in the city of Pacoima, California, and observed
3 Respondent, a pedestrian, talking to a driver in a vehicle which was stopped in the middle of the
4 street. When Respondent observed the officer, he made a comment to the driver and the vehicle
5 drove away. The officers exited their police vehicle and attempted to make contact with the
6 Respondent. The Respondent ignored the officer's commands and continued to jog away from
7 the officers. The officers finally caught up with the Respondent as he was going into a residence.
8 The officers handcuffed the Respondent because he ignored their commands and conducted a
9 consented search of Respondent. During the search of Respondent's person, the officers removed
10 his wallet from his left front pants pocket and as the officers placed the wallet on the ground, the
11 officers observed a clear plastic baggie fall to the ground from his wallet containing powder
12 "Cocaine." The Respondent admitted to the officers that it was, "Cocaine" and that he "just
13 wanted to party tonight." The officers continued their search of Respondent and also recovered
14 another clear plastic baggie from his left front pants pocket containing powder "Cocaine." The
15 Respondent was subsequently arrested for violating Health and Safety Code section 11350,
16 subdivision (a).

17 **SECOND CAUSE FOR DISCIPLINE**

18 **(Violating Drug Statutes)**

19 19. Respondent is subject to disciplinary action under sections 4300 and 4301,
20 subdivision (j), on the grounds of unprofessional conduct, for violating provisions of the Health
21 and Safety Code as follows:

22 a. Section 11377, subdivision (a), by possessing a controlled substance without a valid
23 prescription.

24 Complainant refers to, and by this reference incorporates, the allegations set forth above in
25 paragraph 17, subparagraph (a), inclusive, as though set forth fully.

26 ///

27 ///

28 ///

1 **THIRD CAUSE FOR DISCIPLINE**

2 **(Acts Involving Moral Turpitude, Dishonesty, Fraud, Deceit and / or Corruption)**

3 20. Respondent is subject to disciplinary action under sections 4300 and 4301,
4 subdivision (f), on the grounds of unprofessional conduct, in that Respondent committed an act
5 involving moral turpitude, dishonesty, fraud, deceit, and / or corruption when he was found to be
6 possession of a controlled substance without a valid prescription on July 21, 2011. Complainant
7 refers to, and by this reference incorporates, the allegations set forth above in paragraph 17,
8 subparagraph (a), inclusive, as though set forth fully.

9 **FOURTH CAUSE FOR DISCIPLINE**

10 **(Violation of Pharmacy Act)**

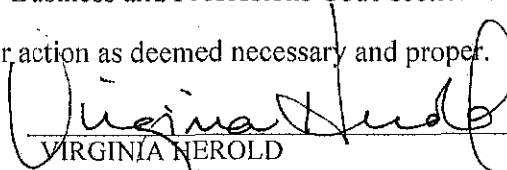
11 21. Respondent is subject to disciplinary action under section 4301, subdivision (o), on
12 the grounds of unprofessional conduct, in that Respondent was found to be in possession of a
13 controlled substance without a valid prescription on July 21, 2011, in violation of the Pharmacy
14 Act. Complainant refers to, and by this reference incorporates, the allegations set forth above in
15 paragraphs 17 through 19, inclusive, as though set forth fully.

16 **PRAYER**

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

- 19 1. Revoking or suspending Pharmacy Technician Registration No. TCH 32059, issued
20 to Jesse Sandoval;
- 21 2. Ordering Jesse Sandoval to pay the Board the reasonable costs of the investigation
22 and enforcement of this case, pursuant to Business and Professions Code section 125.3; and
- 23 3. Taking such other and further action as deemed necessary and proper.

24 DATED: 7/12/13


25 VIRGINIA NEROLD
26 Executive Officer
27 Board of Pharmacy
28 Department of Consumer Affairs
State of California
Complainant

LA2012507673
51252079_2.doc 3/06/13-IC CF