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

In the Matter of the Accusation Against:

Case No. 4442

AARON MICHAEL IMPASTATO

8429 Orchard Street
Alta Loma, CA 91701

DEFAULT DECISION AND ORDER

Pharmacy Technician License No. TCH 88443

[Gov. Code, §11520]

Respondent.

FINDINGS OF FACT

1. On or about January 18, 2013, Complainant Virginia K. Herold, in her official capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs, filed Accusation No. 4442 against Aaron Michael Impastato (Respondent) before the Board of Pharmacy. (Accusation attached as Exhibit A.)

2. On or about January 16, 2009, the Board of Pharmacy (Board) issued Pharmacy Technician License No. TCH 88443 to Respondent. The Pharmacy Technician License was in full force and effect at all times relevant to the charges brought in Accusation No. 4442 expired on November 30, 2012, and has not been renewed. This lapse in licensure, however, pursuant to

1 Business and Professions Code section 118(b) does not deprive the Board of its authority to
2 institute or continue this disciplinary proceeding.

3 3. On or about February 1, 2013, Respondent was served by Certified and First Class
4 Mail copies of the Accusation No. 4442, Statement to Respondent, Notice of Defense, Request
5 for Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6, and
6 11507.7) at Respondent's address of record which, pursuant to Business and Professions Code
7 section 4100, is required to be reported and maintained with the Board. Respondent's address of
8 record was and is:

9 8429 Orchard Street
10 Alta Loma, CA 91701.

11 4. Service of the Accusation was effective as a matter of law under the provisions of
12 Government Code section 11505, subdivision (c) and/or Business & Professions Code section
13 124.

14 5. As of March 8, 2013, none of the documents referenced in paragraph 3 have been
15 returned due to an outdated address of record.

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

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

22 7. Respondent failed to file a Notice of Defense within 15 days after service upon him
23 of the Accusation, and therefore waived his right to a hearing on the merits of Accusation No.
24 4442.

25 8. California Government Code section 11520 states, in pertinent part:

26 (a) If the respondent either fails to file a notice of defense or to appear at the
27 hearing, the agency may take action based upon the respondent's express admissions
28 or upon other evidence and affidavits may be used as evidence without any notice to
respondent.

9 Pursuant to its authority under Government Code section 11520, the Board finds
Respondent is in default. The Board will take action without further hearing and, based on the

1 relevant evidence contained in the Default Decision Evidence Packet in this matter, as well as
2 taking official notice of all the investigatory reports, exhibits and statements contained therein on
3 file at the Board's offices regarding the allegations contained in Accusation No. 4442, finds that
4 the charges and allegations in Accusation No. 4442, are separately and severally, found to be true
5 and correct by clear and convincing evidence.

6 10. Taking official notice of its own internal records, pursuant to Business and
7 Professions Code section 125.3, it is hereby determined that the reasonable costs for Investigation
8 and Enforcement is \$14,633.50¹ as of March 13, 2013.

9 **DETERMINATION OF ISSUES**

10 1. Based on the foregoing findings of fact, Respondent Aaron Michael Impastato has
11 subjected his Pharmacy Technician License No. TCH 88443 to discipline.

12 2. The agency has jurisdiction to adjudicate this case by default.

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

16 a. Respondent is subject to disciplinary action under section 490 and section 4301,
17 subdivision (l) of the Code in conjunction with California Code of Regulations, title 16, section
18 1770 in that on or about February 22, 2011, Respondent pled guilty to one felony count of
19 violating Health and Safety Code section 11351 [possess/purchase for sale narcotic/controlled
20 substance], a substantially related criminal conviction. The circumstances underlying the
21 conviction are that on or about July 9, 2010, County of San Bernardino Sheriff's Department
22 Officers served a search warrant on a residence in which Respondent resided and found 16 80mg
23 pills of Oxycontin, a metal spoon with Heroin/Oxycontin residue, 18 cotton balls containing
24 suspected Heroin, 3 hypodermic needles, a glass pipe containing suspected heroin residue and
25 several other prescription pills in a bedroom identified as Respondent's. Officers also found a
26 handwritten price list for Oxycontin, numerous prescription receipts for Oxycontin and various

27
28 ¹ The cost of investigation is \$13,056.00 and the cost of enforcement is \$1,577.50.

1 prescription drugs. On or about July 20, 2010, Officers interviewed Respondent. The
2 Respondent told officers that the drug paraphernalia found on the home belongs to him from
3 when he used to inject Heroin. The Respondent also told officers that he has been selling
4 Oxycontin for approximately two months. The Respondent stated that he sells both the
5 Oxycontin prescribed to himself and the Oxycontin prescribed to his brother. He advised that he
6 has been taking Oxycontin for the past year and is addicted to the drug. He normally consumes
7 the drug orally but last injected himself 1 week prior. The criminal conviction and underlying
8 conduct are described in more particularity in Accusation No. 4442, which is hereby incorporated
9 by reference.

10 b. Respondent is subject to disciplinary action under section 4301 of the Code on the
11 grounds of unprofessional conduct in that Respondent possessed drug paraphernalia, Heroin, sold
12 Oxycontin and is addicted to Oxycontin. The conduct is described in more particularity in
13 Accusation No. 4442, hereby incorporated by reference.

14 c. Respondent is subject to disciplinary action under section 4301, subdivision (j) of the
15 Code in that Respondent violated California statutes regulating controlled substances and
16 dangerous drugs. Specifically, on or about February 22, 2011, Respondent pled guilty to one
17 felony count of violating Health and Safety Code section 11351 [possess/purchase for sale
18 narcotic/controlled substance]. The conduct is described in more particularity in Accusation No.
19 4442, hereby incorporated by reference.

20 d. Respondent is subject to disciplinary action under section 4301, subdivision (j) of the
21 Code in that Respondent violated California statutes regulating controlled substances and
22 dangerous drugs. Specifically, Respondent possessed Oxycontin prescribed to his brother in
23 violation of section 4060 of the Code. The conduct is described in more particularity in
24 Accusation No. 4442, hereby incorporated by reference.

25 e. Respondent is subject to disciplinary action under section 4301, subdivision (h) in
26 that Respondent administered to himself, Oxycontin and Heroin to an extent or in a manner as to
27 be dangerous or injurious to himself, others or the public. The conduct is described in more
28 particularity in Accusation No. 4442, hereby incorporated by reference.

1 f. Respondent is subject to disciplinary action under section 4301, subdivision (f) of the
2 Code in that Respondent committed acts involving dishonesty when he sold Oxycontin knowing
3 it was illegal to do so. The conduct is described in more particularity in Accusation No. 4442,
4 hereby incorporated by reference.

5 g. Respondent is subject to disciplinary action under section 4301, subdivision (p) of the
6 Code as defined in section 480, subdivision (a)(1) of the Code in conjunction with California
7 Code of Regulations, title 16, section 1770, in that Respondent was convicted of a crime
8 substantially related to the qualifications, functions and duties of a pharmacy technician. The
9 conviction is described in more particularity in Accusation No. 4442, hereby incorporated by
10 reference.

11 h. Respondent is subject to disciplinary action under section 4301, subdivision (p) of the
12 Code as defined in section 480, subdivision (a)(2) of the Code in that Respondent committed an
13 act involving dishonesty when he sold Oxycontin knowing it is illegal to do so. The conduct is
14 described in more particularity in Accusation No. 4442, hereby incorporated by reference.

15 i. Respondent is subject to disciplinary action under section 4301, subdivision (o) of the
16 Code in that Respondent violated provisions of the Pharmacy Law. The violations are described
17 in more particularity in Accusation No. 4442, hereby incorporated by reference.

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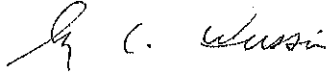
IT IS SO ORDERED that Pharmacy Technician License No. TCH 88443, heretofore issued to Respondent Aaron Michael Impastato, is revoked.

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 June 3, 2013.

It is so ORDERED ON May 3, 2013.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA


By _____
STANLEY C. WEISSER
Board President

51255199.DOC
DOJ Matter ID:LA2012507865

Attachment:
Exhibit A: Accusation

Exhibit A

Accusation

1 KAMALA D. HARRIS
Attorney General of California
2 GLORIA A. BARRIOS
Supervising Deputy Attorney General
3 KATHERINE MESSANA
Deputy Attorney General
4 State Bar No. 272953
300 So. Spring Street, Suite 1702
5 Los Angeles, CA 90013
Telephone: (213) 897-2554
6 Facsimile: (213) 897-2804
Attorneys for Complainant

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

10 In the Matter of the Accusation Against:

Case No. 4442

11 **AARON MICHAEL IMPASTATO**

12 8429 Orchard Street
13 Alta Loma, CA 91701

A C C U S A T I O N

14 Pharmacy Technician License No. TCH 88443

15 Respondent.

16
17 Complainant alleges:

18 **PARTIES**

19 1. Virginia Herold ("Complainant") brings this Accusation solely in her official capacity
20 as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs.

21 2. On or about January 16, 2009, the Board of Pharmacy issued Pharmacy Technician
22 License Number TCH 88443 to Aaron Michael Impastato ("Respondent"). The Pharmacy
23 Technician License was in full force and effect at all times relevant to the charges brought herein
24 and will expire on November 30, 2012, unless renewed.

25 **JURISDICTION AND STATUTORY PROVISIONS**

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

3 5. Section 118, subdivision (b), of the Code provides that the suspension, expiration,
4 surrender or cancellation of a license shall not deprive the Board of jurisdiction to proceed with a
5 disciplinary action during the period within which the license may be renewed, restored, reissued
6 or reinstated.

7 6. Section 4301 of the Code states, in pertinent part:

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

12 ...

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

16 ...

17 (h) The administering to oneself, of any controlled substance, or the use
18 of any dangerous drug or of alcoholic beverages to the extent or in a manner as to be
19 dangerous or injurious to oneself, to a person holding a license under this chapter, or
20 to any other person or to the public, or to the extent that the use impairs the ability of
21 the person to conduct with safety to the public the practice authorized by the license.

22 ...

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

25 ...

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

1 suspending the imposition of sentence, irrespective of a subsequent order under
2 Section 1203.4 of the Penal Code allowing the person to withdraw his or her plea of
3 guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or
4 dismissing the accusation, information, or indictment.

5 ...
6 (o) Violating or attempting to violate, directly or indirectly, or assisting in
7 or abetting the violation of or conspiring to violate any provision or term of this
8 chapter or of the applicable federal and state laws and regulations governing
9 pharmacy, including regulations established by the board or by any other state or
10 federal regulatory agency.

11 (p) Actions or conduct that would have warranted denial of a license.”

12 7. Section 490 of the Code states, in pertinent part:

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

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

23 (c) A conviction within the meaning of this section means a plea or
24 verdict of guilty or a conviction following a plea of nolo contendere. Any action that
25 a board is permitted to take following the establishment of a conviction may be taken
26 when the time for appeal has elapsed, or the judgment of conviction has been
27 affirmed on appeal, or when an order granting probation is made suspending the
28 imposition of sentence, irrespective of a subsequent order under the provisions of
Section 1203.4 of the Penal Code.”

8. Section 4060 of the Code states:

“No person shall possess any controlled substance, except that furnished
to a person 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 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 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 (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, physician, podiatrist, dentist, optometrist,
veterinarian, naturopathic doctor, certified nurse-midwife, nurse practitioner, or
physician assistant, when in stock in containers correctly labeled with the name and
address of the supplier or producer.

“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.”

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9. Section 480 of the Code states:

“(a) A board may deny a license regulated by this code on the grounds that the applicant has one of the following:

(1) Been convicted of a crime. 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.

(2) Done any act involving dishonesty, fraud, or deceit with the intent to substantially benefit himself or herself or another, or substantially injure another.

(3) (A) Done any act that if done by a licentiate of the business or profession in question, would be grounds for suspension or revocation of license.

(B) The board may deny a license pursuant to this subdivision only if the crime or act is substantially related to the qualifications, functions, or duties of the business or profession for which application is made.

(b) Notwithstanding any other provision of this code, no person shall be denied a license solely on the basis that he or she has been convicted of a felony if he or she has obtained a certificate of rehabilitation under Chapter 3.5 (commencing with Section 4852.01) of Title 6 of Part 3 of the Penal Code or that he or she has been convicted of a misdemeanor if he or she has met all applicable requirements of the criteria of rehabilitation developed by the board to evaluate the rehabilitation of a person when considering the denial of a license under subdivision (a) of Section 482.

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

10. Section 493 of the Code states:

“Notwithstanding any other provision of law, in a proceeding conducted by a board within the department pursuant to law to deny an application for a license or to suspend or revoke a license or otherwise take disciplinary action against a person who holds a license, upon the ground that the applicant or the licensee has been convicted of a crime substantially related to the qualifications, functions, and duties of the licensee in question, the record of conviction of the crime shall be conclusive evidence of the fact that the conviction occurred, but only of that fact, and the board may inquire into the circumstances surrounding the commission of the crime in order to fix the degree of discipline or to determine if the conviction is substantially related to the qualifications, functions, and duties of the licensee in question.

As used in this section, ‘license’ includes ‘certificate,’ ‘permit,’ ‘authority,’ and ‘registration.’”

REGULATORY PROVISION

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

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

8 **DRUG DEFINITIONS**

9 12. Oxycontin [Oxycodone] is used for severe pain and is a dangerous drug pursuant to
10 Business and Professions Code section 4022 and is a Schedule II Controlled Substance pursuant
11 to Health and Safety Code section 11055(b)(1)(M).

12 13. Heroin is a dangerous drug pursuant to Business and Professions Code section 4022
13 and is a Schedule I Controlled Substance pursuant to Health and Safety Code section
14 11054(c)(11).

15 **COST RECOVERY**

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

20 **FIRST CAUSE FOR DISCIPLINE**

21 **(Conviction of Substantially Related Crime)**

22 15. Respondent is subject to disciplinary action under section 490 and section 4301,
23 subdivision (l) of the Code in conjunction with California Code of Regulations, title 16, section
24 1770 in that he was convicted of a substantially related crime, as follows:

25 16. On or about February 22, 2011, Respondent pled guilty to one felony count of
26 violating Health and Safety Code section 11351 [possess/purchase for sale narcotic/controlled
27 substance] in the criminal proceeding entitled *The People of the State of California v. Aaron*
28 *Michael Impastato* (Super. Ct. of California, County of San Bernardino, 2010, Case No,
FWV1002299). On or about April 5, 2011, the court sentenced Respondent to serve 180 days in
a San Bernardino County Jail facility, register as a drug offender with the appropriate city or

1 county law enforcement agency pursuant to Health and Safety Code section 11590/11594 and
2 placed Respondent on formal probation for a period of 36 months, with terms and conditions.

3 17. The circumstances underlying the conviction are that on or about July 9, 2010,
4 County of San Bernardino Sheriff's Department Officers served a search warrant on a residence
5 in which Respondent resided. On or about that day, Officers found 16 80mg pills of Oxycontin¹,
6 a metal spoon with Heroin/Oxycontin residue, 18 cotton balls containing suspected Heroin, 3
7 hypodermic needles, a glass pipe containing suspected heroin residue and several other
8 prescription pills in a bedroom identified as Respondent's. Officers also found a handwritten
9 price list for Oxycontin, numerous prescription receipts for Oxycontin and various prescription
10 drugs. On or about July 20, 2010, Officers interviewed Respondent. The Respondent told
11 officers that the drug paraphernalia found on the home belongs to him from when he used to
12 inject Heroin. The Respondent also told officers that he has been selling Oxycontin for
13 approximately two months. The Respondent stated that he sells both the Oxycontin prescribed to
14 himself and the Oxycontin prescribed to his brother. Advised that taking Oxycontin for the past
15 year and is addicted to the drug. Normally consumes the drug orally but last injected himself 1
16 week prior.

17 **SECOND CAUSE FOR DISCIPLINE**

18 **(Unprofessional Conduct)**

19 18. Respondent is subject to disciplinary action under section 4301 of the Code on the
20 grounds of unprofessional conduct in that Respondent possessed drug paraphernalia, Heroin, sold
21 Oxycontin and is addicted to Oxycontin. The conduct is described in more particularity in
22 paragraph 17 above, inclusive and hereby incorporated by reference.

23 **THIRD CAUSE FOR DISCIPLINE**

24 **(Violation of Statutes Governing Controlled Substances/Dangerous Drugs)**

25 19. Respondent is subject to disciplinary action under section 4301, subdivision (j) of the
26 Code in that Respondent violated California statutes regulating controlled substances and

27 ¹ Found inside a prescription bottle issued to Respondent's brother which was filled on July 2,
28 2010, for a total quantity of 180 pills.

1 dangerous drugs. Specifically, on or about February 22, 2011, Respondent pled guilty to one
2 felony count of violating Health and Safety Code section 11351 [possess/purchase for sale
3 narcotic/controlled substance] in the criminal proceeding entitled *The People of the State of*
4 *California v. Aaron Michael Impastato* (Super. Ct. of California, County of San Bernardino,
5 2010, Case No, FWV1002299). On or about April 5, 2011, the court sentenced Respondent to
6 serve 180 days in a San Bernardino County Jail facility and placed Respondent on probation for a
7 period of 36 months, with terms and conditions. The conviction is described in more particularity
8 in paragraph 16 above, inclusive and hereby incorporated by reference.

9 20. Respondent is subject to disciplinary action under section 4301, subdivision (j) of the
10 Code in that Respondent violated California statutes regulating controlled substances and
11 dangerous drugs. Specifically, Respondent possessed Oxycontin prescribed to his brother in
12 violation of section 4060 of the Code. The possession is described in more particularity in
13 paragraph 17 above, inclusive and hereby incorporated by reference.

14 **FOURTH CAUSE FOR DISCIPLINE**

15 **(Self-Administration Dangerous Drugs)**

16 21. Respondent is subject to disciplinary action under section 4301, subdivision (h) in
17 that Respondent administered to himself, Oxycontin and Heroin to an extent or in a manner as to
18 be dangerous or injurious to himself, others or the public. The conduct is described in more
19 particularity in paragraph 17 above, inclusive and hereby incorporated by reference.

20 **FIFTH CAUSE FOR DISCIPLINE**

21 **(Act Involving Dishonesty)**

22 22. Respondent is subject to disciplinary action under section 4301, subdivision (f) of the
23 Code in that Respondent committed acts involving dishonesty when he sold Oxycontin knowing
24 it was illegal to do so. The acts are described in more particularity in paragraph 17 above,
25 inclusive and hereby incorporated by reference.

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SIXTH CAUSE FOR DISCIPLINE

(Actions Warranting Denial of Licensure)

23. Respondent is subject to disciplinary action under section 4301, subdivision (p) of the Code as defined in section 480, subdivision (a)(1) of the Code in conjunction with California Code of Regulations, title 16, section 1770, in that Respondent was convicted of a crime substantially related to the qualifications, functions and duties of a pharmacy technician. The conviction is described in more particularity in paragraph 16 above, inclusive and hereby incorporated by reference.

24. Respondent is subject to disciplinary action under section 4301, subdivision (p) of the Code as defined in section 480, subdivision (a)(2) of the Code in that Respondent committed an act involving dishonesty when he sold Oxycontin knowing it is illegal to do so. The dishonest act is described in more particularity in paragraph 17 above, inclusive and hereby incorporated by reference.

SEVENTH CAUSE FOR DISCIPLINE

(Violate Provisions of the Licensing Chapter)

25. Respondent is subject to disciplinary action under section 4301, subdivision (o) of the Code in that Respondent violated provisions of the Pharmacy Law. The violations are described in more particularity in paragraphs 15 through 24 above, inclusive and hereby incorporated by reference.

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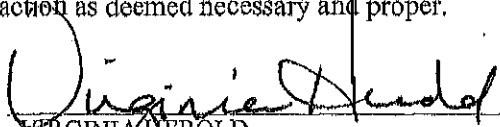
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PRAYER

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. Revoking or suspending Pharmacy Technician License Number TCH 88443, issued to Aaron Michael Impastato;
2. Ordering Aaron Michael Impastato to pay the Board of Pharmacy 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 deemed necessary and proper.

DATED: 1/18/13


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

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