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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. 4448

**JEFFREY BALADRO SALAMANCA**  
1836 West Canton Street  
Long Beach, CA 90810  
  
Pharmacy Technician Registration No.  
TCH 62189

**DEFAULT DECISION AND ORDER**

[Gov. Code, §11520]

Respondent.

**FINDINGS OF FACT**

1. On or about March 1, 2014, Complainant Virginia Herold, in her official capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs, filed Accusation No. 4448 against Jeffrey Baladro Salamanca (Respondent), before the Board of Pharmacy (Board).

2. On or about April 26, 2005, the Board issued Pharmacy Technician Registration No. TCH 62189 to Respondent. The Pharmacy Technician Registration was in full force and effect at all times relevant to the charges brought in Accusation No. 4448. The registration will expire on March 31, 2015, unless renewed.

1           3.     On or about April 29, 2014, Cynthia Vuu, an employee of the Department of Justice,  
2 served by Certified and First Class Mail a copy of the Accusation No. 4448, Statement to  
3 Respondent, Notice of Defense, Request for Discovery, and Government Code sections 11507.5,  
4 11507.6, and 11507.7 to Respondent's address of record with the Board, which was and is:

5                   **1836 West Canton Street, Long Beach, California 90810.**

6  
7           A copy of the Accusation is attached as Exhibit A, and is incorporated herein by reference.

8           4.     Service of the Accusation was effective as a matter of law under the provisions of  
9 Government Code section 11505, subdivision (c).

10           5.     Government Code section 11506 states, in pertinent part:

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

15           Respondent failed to file a Notice of Defense within 15 days after service upon her of the  
16 Accusation, and therefore waived her right to a hearing on the merits of Accusation No. 3326.

17           6.     California Government Code section 11520 states, in pertinent part:

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

21           7.     Pursuant to its authority under Government Code section 11520, the Board finds  
22 Respondent is in default. The Board will take action without further hearing and, based on the  
23 relevant evidence contained in the Default Decision Evidence Packet in this matter, as well as  
24 taking official notice of all the investigatory reports, exhibits and statements contained therein on  
25 file at the Board's offices regarding the allegations contained in Accusation No. 4448, finds that  
26 the charges and allegations in Accusation No. 4448, are separately and severally, found to be true  
27 and correct by clear and convincing evidence.. (The Default Decision Evidence Packet is being  
28

1 submitted concurrently to the Board with this Default Decision and Order and is attached hereto  
2 for ease of reference)

3 8. Taking official notice of its own internal records, pursuant to Business and  
4 Professions Code (Code) section 125.3, it is hereby determined that the reasonable costs for  
5 Investigation and Enforcement are \$2,492.50 as of September 30, 2014.

6 **DETERMINATION OF ISSUES**

7 1. Based on the foregoing findings of fact, Respondent Jeffrey Baladro Salamanca, has  
8 subjected his Pharmacy Technician Registration No. TCH 62189 to discipline.

9 2. A copy of the Accusation is attached.

10 3. The agency has jurisdiction to adjudicate this case by default.

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

14 a. Violation of Code sections 490, 4300 and 4301, subdivision (1), in conjunction with  
15 California Code of Regulations, title 16, section 1770, on the grounds of unprofessional conduct,  
16 in that Respondent was convicted of crimes substantially related to the qualifications, functions or  
17 duties of a registered pharmacy technician which to a substantial degree evidence his present or  
18 potential unfitness to perform the functions authorized by his registration in a manner consistent  
19 with the public health, safety, or welfare, as follows:

20 i. On or about July 14, 2011, after pleading nolo contendere, Respondent was  
21 convicted of one misdemeanor count of violating Penal Code section 484e, subdivision (c)  
22 [theft of access cards or account information] and one misdemeanor count of violating  
23 Penal Code section 647, subdivision (a) [disorderly lewd conduct] in the criminal  
24 proceeding entitled *The People of the State of California v. Jeffrey Balaora Salamanca*  
25 (Super. Ct. Los Angeles County, 2011, No. 1LG01085). The Court sentenced Respondent  
26 to one (1) year jail, placed him on three (3) years probation, and ordered him to complete  
27 52 weeks of sex compulsion therapy. The circumstances underlying the conviction are that  
28 on or about February 17, 2011, while working as a pharmacy technician in the pharmacy

1 department of California State University, Long Beach's Student Health Services,  
2 Respondent was observed by a female patient twirling his exposed penis while sitting in a  
3 chair and staring at her. Respondent was arrested, and during an inventory of his personal  
4 property, a note was found in his wallet containing five (5) debit card numbers belonging to  
5 others.

6 b. Violation of Code sections 4300 and 4301, subdivision (f), on the grounds of  
7 unprofessional conduct, in that on or about February 17, 2011, Respondent engaged in acts  
8 involving moral turpitude, dishonesty, fraud, deceit, or corruption, as more fully discussed in  
9 paragraph (a), above.

10 5. To determine the degree of discipline, the Board of Pharmacy, considered, in part, the  
11 following:

12 a. On or about October 21, 2009, the Board issued Respondent administrative Citation  
13 No. CI2007 36461 with a \$250.00 civil penalty. The citation alleged a violating of section 4301,  
14 subdivision (l) [conviction of a substantially related crime]. That citation is final and  
15 incorporated by reference as if fully set forth.

16 b. On or about July 29, 2008, after pleading guilty, Respondent was convicted of one  
17 misdemeanor count of violating Penal code section 484(a) – 488 – 508 [embezzlement by clerk,  
18 agent, or servant] in the criminal proceeding entitled *The People of the State of California v.*  
19 *Jeffrey Balaoro Salamanca* (Super. Ct. Orange County, 2008, No. 08WM01695). The Court  
20 placed Respondent on three (3) years probation, ordered him to complete ten (10) days Cal Trans  
21 duty, ordered him to stay away from Target, in Seal Beach, California, and ordered him to pay  
22 victim restitution. The circumstances underlying the conviction are that on or about and between  
23 January 10, 2007 and October 11, 2007, while an employee of Target, in Seal Beach, California,  
24 Respondent took several gift cards, scanned them to activate them for money, used the cards to  
25 make personal purchases, and failed to pay for the value of the gift cards or merchandise taken

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**RECORD**

The Record upon which this Default Decision and Order are based is located at the Sacramento headquarters of the Board.

**ORDER**

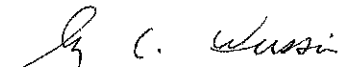
IT IS SO ORDERED that Pharmacy Technician Registration No. TCH 62189, heretofore issued to Respondent Jeffrey Baladro Salamanca, is revoked.

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 December 8, 2014.

It is so ORDERED November 7, 2014.

BOARD OF PHARMACY  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

By   
STAN C. WEISSER  
Board President

Attachment:

Exhibit A: Accusation No.4448

51621328.DOCX  
DOJ Matter ID: LA2012508140

Exhibit A  
Accusation No. 4448

1 KAMALA D. HARRIS  
Attorney General of California  
2 ARMANDO ZAMBRANO  
Supervising Deputy Attorney General  
3 ALVARO MEJIA  
Deputy Attorney General  
4 State Bar No. 216956  
300 So. Spring Street, Suite 1702  
5 Los Angeles, CA 90013  
Telephone: (213) 897-0083  
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**

12 In the Matter of the Accusation Against:

Case No. 4448

13 **JEFFREY BALADRO SALAMANCA**  
1836 West Canton Street  
Long Beach, CA 90810

**A C C U S A T I O N**

14 Pharmacy Technician Registration No.  
TCH 62189

15 Respondent.  
16

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 April 26, 2005, the Board issued Pharmacy Technician Registration No.  
23 TCH 62189 to Jeffrey Baladro Salamanca (Respondent). The Pharmacy Technician Registration  
24 was in full force and effect at all times relevant to the charges brought herein and will expire on  
25 March 31, 2015, unless renewed.

26 **JURISDICTION**

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

**STATUTORY PROVISIONS**

1  
2       4. Section 118, subdivision (b), provides that the suspension, expiration, surrender or  
3 cancellation of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary  
4 action during the period within which the license may be renewed, restored, reissued or  
5 reinstated.

6       5. Section 490 provides that a board may suspend or revoke a license on the ground that  
7 the licensee has been convicted of a crime substantially related to the qualifications, functions, or  
8 duties of the business or profession for which the license was issued.

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

11       7. Section 4301 states, in pertinent part:

12       "The board shall take action against any holder of a license who is guilty of unprofessional  
13 conduct or whose license has been procured by fraud or misrepresentation or issued by mistake.

14 Unprofessional conduct shall include, but is not limited to, any of the following:

15       ....

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

19       ....

20       "(l) The conviction of a crime substantially related to the qualifications, functions, and  
21 duties of a licensee under this chapter. The record of conviction of a violation of Chapter 13  
22 (commencing with Section 801) of Title 21 of the United States Code regulating controlled  
23 substances or of a violation of the statutes of this state regulating controlled substances or  
24 dangerous drugs shall be conclusive evidence of unprofessional conduct. In all other cases, the  
25 record of conviction shall be conclusive evidence only of the fact that the conviction occurred.  
26 The board may inquire into the circumstances surrounding the commission of the crime, in order  
27 to fix the degree of discipline or, in the case of a conviction not involving controlled substances  
28 or dangerous drugs, to determine if the conviction is of an offense substantially related to the



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

9 **REGULATORY PROVISION**

10 8. California Code of Regulations, title 16, section 1770, states:

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

17 **COST RECOVERY**

18 9. Section 125.3 provides that the Board may request the administrative law judge to  
19 direct a licensee found to have committed a violation or violations of the licensing act to pay a  
20 sum not to exceed the reasonable costs of the investigation and enforcement of the case.

21 **FIRST CAUSE FOR DISCIPLINE**

22 **(Conviction of a Substantially Related Crime)**

23 10. Respondent is subject to disciplinary action under sections 490, 4300, and 4301,  
24 subdivision (l), in conjunction with California Code of Regulations, title 16, section 1770, in that  
25 on or about July 14, 2011, Respondent was convicted of a crime substantially related to the  
26 qualifications, functions or duties of a licensee which to a substantial degree evidences his present  
27 or potential unfitness to perform the functions authorized by his license in a manner consistent  
28 with the public health, safety, or welfare, as follows:

1 a. On or about July 14, 2011, after pleading nolo contendere, Respondent was convicted  
2 of one misdemeanor count of violating Penal Code section 484e, subdivision (c) [theft of access  
3 cards or account information] and one misdemeanor count of violating Penal Code section 647,  
4 subdivision (a) [disorderly lewd conduct] in the criminal proceeding entitled *The People of the*  
5 *State of California v. Jeffrey Balaora Salamanca* (Super. Ct. Los Angeles County, 2011, No.  
6 1LG01085). The Court sentenced Respondent to one (1) year jail, placed him on three (3) years  
7 probation, and ordered him to complete 52 weeks of sex compulsion therapy.

8 b. The circumstances underlying the conviction are that on or about February 17, 2011,  
9 while working as a pharmacy technician in the pharmacy department of California State  
10 University, Long Beach's Student Health Services, Respondent was observed by a female patient  
11 twirling his exposed penis while sitting in a chair and staring at her. Respondent was arrested,  
12 and during an inventory of his personal property, a note was found in his wallet containing five  
13 (5) debit card numbers belonging to others.

#### 14 **SECOND CAUSE FOR DISCIPLINE**

##### 15 **(Acts Involving Moral Turpitude, Dishonesty, Fraud, Deceit or Corruption)**

16 11. Respondent is subject to disciplinary action under sections 4300 and 4301,  
17 subdivision (f), on the grounds of unprofessional conduct, in that on or about February 17, 2011,  
18 Respondent engaged in acts involving moral turpitude, dishonesty, fraud, deceit or corruption.  
19 Complainant refers to and by this reference incorporates the allegations set forth above in  
20 paragraph 10, subparagraphs a and b, inclusive, as though set forth fully.

#### 21 **DISCIPLINE CONSIDERATIONS**

22 12. To determine the degree of discipline, Complainant alleges that:

23 a. On or about October 21, 2009, the Board issued Respondent administrative Citation  
24 No. CI 2007 36461 with a \$250.00 civil penalty. The citation alleged a violating of section 4301,  
25 subdivision (l) [conviction of a substantially related crime]. That citation is final and  
26 incorporated by reference as if fully set forth.

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