

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

In the Matter of the Accusation Against:

Case No. 4481

**JASON PEREZ**  
**9025 Willis Ave. Unit 112**  
**Panorama City, CA 91402**  
**Pharmacy Technician Registration No. TCH**  
**73032**

Respondent.

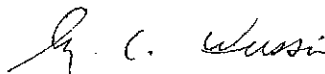
**DECISION AND ORDER**

The attached Stipulated Settlement and Disciplinary Order for Surrender 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 February 25, 2015.

It is so ORDERED on February 18, 2015.

BOARD OF PHARMACY  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA



By

\_\_\_\_\_  
STAN C. WEISSER  
Board President

1 KAMALA D. HARRIS  
Attorney General of California  
2 ARMANDO ZAMBRANO  
Supervising Deputy Attorney General  
3 MICHAEL BROWN  
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9 **BOARD OF PHARMACY**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
11 **STATE OF CALIFORNIA**

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14 **Panorama City, CA 91402**  
15 **Pharmacy Technician Registration No. TCH**  
16 **73032**

**STIPULATED SURRENDER OF**  
**LICENSE AND ORDER**

Respondent.

17 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-  
18 entitled proceedings 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. Jason Perez (Respondent) is representing himself in this proceeding and has chosen  
25 not to exercise his right to be represented by counsel.

26 3. On or about November 9, 2006, the Board of Pharmacy issued Pharmacy Technician  
27 Registration No. TCH 73032 to Jason Perez (Respondent). The Pharmacy Technician  
28 Registration expired on May 31, 2014 and was cancelled on September 7, 2014.

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JURISDICTION

4. Accusation No. 4481 was filed before the Board of Pharmacy (Board), Department of Consumer Affairs, and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent on November 5, 2013. Respondent timely filed his Notice of Defense contesting the Accusation. A copy of Accusation No. 4481 is attached as Exhibit A and incorporated by reference.

ADVISEMENT AND WAIVERS

5. Respondent has carefully read, and understands the charges and allegations in Accusation No. 4481. Respondent also has carefully read, and understands the effects of this Stipulated Surrender of License and Order.

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

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

CULPABILITY

8. Respondent admits the truth of each and every charge and allegation in Accusation No. 4481, agrees that cause exists for discipline and hereby surrenders his Pharmacy Technician Registration No. TCH 73032 for the Board's formal acceptance.

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

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1 CONTINGENCY

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 Portable Document Format (PDF) and facsimile  
12 copies of this Stipulated Surrender of License and Order, including Portable Document Format  
13 (PDF) and facsimile signatures thereto, shall have the same force and effect as 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:

22 ORDER

23 IT IS HEREBY ORDERED that Pharmacy Technician Registration No. TCH 73032, issued  
24 to Respondent Jason Perez, 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           2.   Respondent shall lose all rights and privileges as a Pharmacy Technician in California  
2 as of the effective date of the Board's Decision and Order.

3           3.   Respondent shall cause to be delivered to the Board his pocket license and, if one was  
4 issued, his wall certificate on or before the effective date of the Decision and Order.

5           4.   Respondent understands and agrees that if he or she ever files an application for  
6 licensure or a petition for reinstatement in the State of California, the board shall treat it as a new  
7 application for licensure.

8           5.   Respondent may not apply for any license, permit, or registration from the board for  
9 three (3) years from the effective date of this decision. Respondent stipulates that should he or  
10 she apply for any license from the board on or after the effective date of this decision, all  
11 allegations set forth in the accusation shall be deemed to be true, correct and admitted by  
12 Respondent when the board determines whether to grant or deny the application. Respondent  
13 shall satisfy all requirements applicable to that license as of the date the application is submitted  
14 to the board, including, but not limited to certification by a nationally recognized body prior to  
15 the issuance of a new license. Respondent is required to report this surrender as disciplinary  
16 action.

17          6.   Respondent shall pay the agency its costs of investigation and enforcement in the  
18 amount of \$1350.00 prior to issuance of a new or reinstated license.

19          7.   If Respondent should ever apply or reapply for a new license or certification, or  
20 petition for reinstatement of a license, by any other health care licensing agency in the State of  
21 California, all of the charges and allegations contained in Accusation No. 4481 shall be deemed to  
22 be true, correct, and admitted by Respondent for the purpose of any Statement of Issues or any  
23 other proceeding seeking to deny or restrict licensure.

24                               ACCEPTANCE

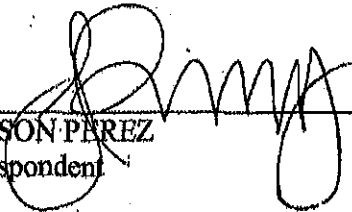
25           I have carefully read the Stipulated Surrender of License and Order. I understand the  
26 stipulation and the effect it will have on my Pharmacy Technician Registration. I enter into this  
27 Stipulated Surrender of License and Order voluntarily, knowingly, and intelligently, and agree to  
28 be bound by the Decision and Order of the Board of Pharmacy.

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DATED:

1/23/15

JASON PEREZ  
Respondent



ENDORSEMENT

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

Dated: January \_\_, 2015

Respectfully submitted,

KAMALA D. HARRIS  
Attorney General of California  
ARMANDO ZAMBRANO  
Supervising Deputy Attorney General

MICHAEL BROWN  
Deputy Attorney General  
*Attorneys for Complainant*

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DATED: \_\_\_\_\_


JASON PEREZ  
Respondent

ENDORSEMENT

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

Dated: January 23, 2015

Respectfully submitted,  
KAMALA D. HARRIS  
Attorney General of California  
ARMANDO ZAMBRANO  
Supervising Deputy Attorney General

  
MICHAEL BROWN  
Deputy Attorney General  
*Attorneys for Complainant*

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**Exhibit A**

**Accusation No. 4481**



1 KAMALA D. HARRIS  
Attorney General of California  
2 KAREN B. CHAPPELLE  
Supervising Deputy Attorney General  
3 MICHAEL BROWN  
Deputy Attorney General  
4 State Bar No. 231237  
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9025 Willis Avenue, Unit 112  
13 Panorama City, CA 91402

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

14 Pharmacy Technician Registration  
No. TCH 73032

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.

22 2. On or about November 9, 2006, the Board of Pharmacy issued Pharmacy Technician  
23 Registration No. TCH 73032 to Jason Perez (Respondent). The Pharmacy Technician  
24 Registration was in full force and effect at all times relevant to the charges brought herein and  
25 will expire on May 31, 2014, 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/  
3 cancellation of a license shall not deprive the Board/Registrar/Director of jurisdiction to proceed  
4 with a disciplinary action during the period within which the license may be renewed, restored,  
5 reissued or reinstated.

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

8       6. Section 4300.1 of the Code states:

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

14       7. Section 4301 states, in pertinent part:

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

18       ....

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

22       ....

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

25       ....

26       “(o) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the  
27 violation of or conspiring to violate any provision or term of this chapter or of the applicable

28

1 federal and state laws and regulations governing pharmacy, including regulations established by  
2 the board or by any other state or federal regulatory agency."

3 **REGULATORY PROVISIONS**

4 8. California Code of Regulations, title 16, section 1770 states, in pertinent part:

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

11 **COST RECOVERY**

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

16 10. **CONTROLLED SUBSTANCE / DANGEROUS DRUG**

17 a. "Loestrin," is categorized as a dangerous drug pursuant to Business and Professions  
18 Code section 4022.

19 b. "Paxil" is categorized as a dangerous drug pursuant to Business and Professions Code  
20 section 4022.

21 c. "Vicodin," is a Schedule III controlled substance as defined in Health and Safety  
22 Code section 11056, subdivision (e)(7) and are categorized as dangerous drugs according to  
23 section 4022.

24 **FIRST CAUSE FOR DISCIPLINE**

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

26 11. Respondent is subject to disciplinary action under sections 4300 and 4301,  
27 subdivision (f), on the grounds of unprofessional conduct, in that Respondent committed acts  
28

1 involving moral turpitude, dishonesty, fraud, deceit, or corruption with the intent to substantially  
2 benefit himself, or substantially injure another, as follows:

3 a. On or about December 20, 2010, the Los Angeles Police Department responded to a  
4 call from CVS in Hollywood, California where Respondent was employed. The Loss Prevention  
5 Manager for CVS informed the officers that she had received information that Respondent was  
6 stealing drugs from the pharmacy. When asked about stealing drugs, Respondent admitted to  
7 stealing Vicodin, Paxil and Loestrin from the pharmacy. In addition, Respondent stated that he  
8 stole Vicodin about once every 2 months, an average of 40-60 pills each time, Paxil once a month  
9 for the past 7 months, and Loestrin one time. Respondent was subsequently arrested for violating  
10 Penal Code section 487, subdivision (a) [grand theft].

11 **SECOND CAUSE FOR DISCIPLINE**

12 **(Unprofessional Conduct/ Violation of Licensing Chapter)**

13 12. Respondent is subject to disciplinary action under section 4301, subdivision (j) and  
14 (o), in that Respondent committed acts of unprofessional conduct and/ or violated provisions of  
15 the licensing chapter. Complainant refers to, and by this reference incorporates, the allegations  
16 set forth above in paragraph 11, subparagraph (a), as though set forth fully.

17 **THIRD CAUSE FOR DISCIPLINE**

18 **(Possession of a Controlled Substance Without a Prescription)**

19 13. Respondent is subject to disciplinary action for unprofessional conduct under Code  
20 section 4301, subdivision (j), in that Respondent stole Vicodin, Paxil and Loestrin from the  
21 pharmacy while working as a pharmacy technician at CVS Pharmacy. Complainant refers to, and  
22 by this reference incorporates, the allegations set forth above in paragraph 11, subparagraph (a),  
23 as though set forth fully.

24 **FOURTH CAUSE FOR DISCIPLINE**

25 **(Substantially Related Act)**

26 14. Respondent is subject to disciplinary action under California Code of Regulations,  
27 title 16, section 1770, on the grounds of unprofessional conduct, in that Respondent committed an  
28 act substantially related to the qualifications, functions, or duties of a pharmacy technician.

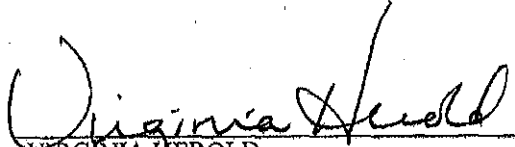
1 Complainant refers to, and by this reference incorporates, the allegations set forth above in  
2 paragraph 11, subparagraph (a), as though set forth fully.

3 PRAYER

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

- 6 1. Revoking or suspending Pharmacy Technician Registration No. TCH 73032, issued  
7 to Jason Perez;
- 8 2. Ordering Jason Perez to pay the Board the reasonable costs of the investigation and  
9 enforcement of this case, pursuant to section 125.3; and
- 10 3. Taking such other and further action as deemed necessary and proper.

11  
12 DATED: 10/21/13



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

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