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

In the Matter of the Accusation Against:  
  
**JUAN ANGEL GONZALEZ  
11821 Foothill Blvd.  
#107  
Lake View Terrance, CA 91342  
Pharmacy Technician Registration No. TCH  
21197**  
  
Respondent.

Case No. 4522

**DEFAULT DECISION AND ORDER**

[Gov. Code, §11520]

FINDINGS OF FACT

1. On or about March 27, 2014, Complainant Virginia Herold, in her official capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs, filed Accusation No. 4522 against Juan Angel Gonzalez (Respondent) before the Board of Pharmacy. (Accusation attached as Exhibit A.)
2. On or about January 14, 1997, the Board of Pharmacy (Board) issued Pharmacy Technician Registration No. TCH 21197 to Respondent. The Pharmacy Technician Registration expired on October 31, 2012, and has not been renewed.

1           3.. On or about April 29, 2014, Respondent was served by Certified and First Class Mail  
2 copies of the Accusation No. 4522, Statement to Respondent, Notice of Defense, Request for  
3 Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6, and 11507.7) at  
4 Respondent's address of record which, pursuant to Business and Professions Code section 4100,  
5 is required to be reported and maintained with the Board. Respondent's address of record was  
6 and is: 11821 Foothill Blvd.  
7 #107, Lake View Terrance, CA 91342.

8           4. Service of the Accusation was effective as a matter of law under the provisions of  
9 Government Code section 11505, subdivision (c) and/or Business & Professions Code section  
10 124.

11           5. On or about May 5, 2014, the aforementioned documents were returned by the U.S.  
12 Postal Service marked "Signed Certified Mail Return Receipt received ."

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

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

17           7. Respondent failed to file a Notice of Defense within 15 days after service upon him  
18 of the Accusation, and therefore waived his right to a hearing on the merits of Accusation No.  
19 4522.

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

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

24           9. Pursuant to its authority under Government Code section 11520, the Board finds  
25 Respondent is in default. The Board will take action without further hearing and, based on the  
26 relevant evidence contained in the Default Decision Evidence Packet in this matter, as well as  
27 taking official notice of all the investigatory reports, exhibits and statements contained therein on  
28 file at the Board's offices regarding the allegations contained in Accusation No. 4522, finds that

1 the charges and allegations in Accusation No. 4522, are separately and severally, found to be true  
2 and correct by clear and convincing evidence.

3 10. Taking official notice of its own internal records, pursuant to Business and  
4 Professions Code section 125.3, it is hereby determined that the reasonable costs for Investigation  
5 and Enforcement is \$2,797.50 as of June 27, 2014.

6 DETERMINATION OF ISSUES

7 1. Based on the foregoing findings of fact, Respondent Juan Angel Gonzalez has  
8 subjected his Pharmacy Technician Registration No. TCH 21197 to discipline.

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

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

13 a. Respondent is subject to disciplinary action under sections 490, 4300, 4301,  
14 subdivision (l), in conjunction with California Code of Regulations, title 16, section 1770, in that  
15 Respondent was convicted of a crime substantially related to the qualifications, functions, and  
16 duties of a pharmacy technician

17 b. Respondent is subject to disciplinary action under sections 4300 and 4301,  
18 subdivision (j), in conjunction with section 4060, in that Respondent was in possession of  
19 methamphetamine, a controlled substance.

20 c. Respondent is subject to disciplinary action under sections 4300 and 4301,  
21 subdivision (f), in that Respondent committed an act involving moral turpitude, dishonesty, fraud,  
22 deceit, or corruption with the intent to substantially benefit himself, or substantially injure  
23 another.

24 d. Respondent is subject to disciplinary action under sections 4300 and 4301,  
25 subdivision (a), in that Respondent committed and acts of unprofessional conduct.

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ORDER

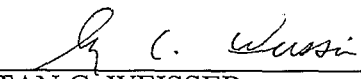
IT IS SO ORDERED that Pharmacy Technician Registration No. TCH 21197, heretofore issued to Respondent Juan Angel Gonzalez, is revoked.

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 September 26, 2014.

It is so ORDERED August 27, 2014.

BOARD OF PHARMACY  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

By   
STAN C. WEISSER  
Board President

51544291.DOC  
DOJ Matter ID:LA2012508338

Attachment:  
Exhibit A: Accusation

# Exhibit A

Accusation

1 KAMALA D. HARRIS  
Attorney General of California  
2 MARC D. GREENBAUM  
Supervising Deputy Attorney General  
3 MICHELLE MCCARRON  
Deputy Attorney General  
4 State Bar No. 237031  
300 So. Spring Street, Suite 1702  
5 Los Angeles, CA 90013  
Telephone: (213) 897-2544  
6 Facsimile: (213) 897-2804

7 *Attorneys for Complainant*

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

11 In the Matter of the Accusation Against:

Case No. 4522

12 **JUAN ANGEL GONZALEZ**  
11821 Foothill Blvd. #107  
13 Lake View Terrace, CA 91342

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

14 Pharmacy Technician Registration No. TCH  
21197

15 Respondent.

16  
17 Complainant alleges:

18 **PARTIES**

19 1. Virginia K. Herold (Complainant) brings this Accusation solely in her official  
20 capacity as the Executive Officer of the California State Board of Pharmacy.

21 2. On or about January 14, 1997, the Board of Pharmacy issued Pharmacy Technician  
22 Registration No. TCH 21197 to Juan Angel Gonzalez (Respondent). The Pharmacy Technician  
23 Registration expired on October 31, 2012, and has not been renewed.

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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 STATUTORY PROVISIONS

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

9 5. Section 490 provides, in pertinent part, that a board may suspend revoke a license on  
10 the grounds that the licensee has been convicted of a crime substantially related to the  
11 qualifications, functions, or duties of the business or profession for which the license was issued.

12 6. Section 492 states:

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

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

24 7. Section 4060 states:

25 "No person shall possess any controlled substance, except that furnished to a person upon  
26 prescription of a physician, dentist, podiatrist, optometrist, veterinarian, or naturopathic doctor  
27 pursuant to Section 3640.7, or furnished pursuant to a drug order issued by a certified nurse-  
28 midwife pursuant to Section 2746.51, a nurse practitioner pursuant to Section 28361.1, or a

1 physician assistant pursuant to Section 3502.1, or naturopathic doctor pursuant to Section 3640.5,  
2 or a pharmacist pursuant to either subparagraph (D) of paragraph (4) of, or clause (iv) of  
3 subparagraph (A) of paragraph (5) of, subdivision (a) of Section 4052. This section shall not  
4 apply to the possession of any controlled substance by a manufacturer, wholesaler, pharmacy,  
5 pharmacist, physician, podiatrist, dentist, optometrist, veterinarian, naturopathic doctor, certified  
6 nurse-midwife, nurse practitioner, or physician assistant, when in stock in containers correctly  
7 labeled with the name and address of the supplier or producer.

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

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

13 9. Section 4300.1 states:

14 "The expiration, cancellation, forfeiture, or suspension of a board-issued license by  
15 operation of law or by order or decision of the board or a court of law, the placement of a license  
16 on a retired status, or the voluntary surrender of a license by a licensee shall not deprive the board  
17 of jurisdiction to commence or proceed with any investigation of, or action or disciplinary  
18 proceeding against, the licensee or to render a decision suspending or revoking the license."

19 10. Section 4301 states in pertinent part:

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

23 . . . .

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

27 . . . .

28 "(j) The violation of any of the statutes of this state, or any other state, or of the United



1 States regulating controlled substances and dangerous drugs.

2 . . . .

3 "(I) The conviction of a crime substantially related to the qualifications, functions, and  
4 duties of a licensee under this chapter. The record of conviction of a violation of Chapter 13  
5 (commencing with Section 801) of Title 21 of the United States Code regulating controlled  
6 substances or of a violation of the statutes of this state regulating controlled substances or  
7 dangerous drugs shall be conclusive evidence of unprofessional conduct. In all other cases, the  
8 record of conviction shall be conclusive evidence only of the fact that the conviction occurred.  
9 The board may inquire into the circumstances surrounding the commission of the crime, in order  
10 to fix the degree of discipline or, in the case of a conviction not involving controlled substances  
11 or dangerous drugs, to determine if the conviction is of an offense substantially related to the  
12 qualifications, functions, and duties of a licensee under this chapter. A plea or verdict of guilty or  
13 a conviction following a plea of nolo contendere is deemed to be a conviction within the meaning  
14 of this provision. The board may take action when the time for appeal has elapsed, or the  
15 judgment of conviction has been affirmed on appeal or when an order granting probation is made  
16 suspending the imposition of sentence, irrespective of a subsequent order under Section 1203.4 of  
17 the Penal Code allowing the person to withdraw his or her plea of guilty and to enter a plea of not  
18 guilty, or setting aside the verdict of guilty, or dismissing the accusation, information, or  
19 indictment. . . ."

20 **REGULATORY PROVISIONS**

21 11. California Code of Regulations, title 16, section 1770 states, in pertinent part:

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

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1 COST RECOVERY

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

6 CONTROLLED SUBSTANCE/DANGEROUS DRUG

7 13. "Methamphetamine," is a schedule II controlled substance as defined in Health and  
8 Safety Code section 11055, subdivision (d)(2), and is categorized a dangerous drug pursuant to  
9 section 4022.

10 FIRST CAUSE FOR DISCIPLINE

11 (Conviction of a Substantially Related Crime)

12 14. Respondent is subject to disciplinary action under sections 490, 4300, 4301,  
13 subdivision (I), in conjunction with California Code of Regulations, title 16, section 1770, on the  
14 grounds of unprofessional conduct, in that Respondent was convicted of a crime substantially  
15 related to the qualifications, functions, and duties of a pharmacy technician.

16 a. On or about February 7, 2008, after pleading nolo contendere, Respondent was  
17 convicted of one misdemeanor count of violating Penal Code section 470 (d) [False check/  
18 record/ certificate/ etc.] in the criminal proceeding entitled *The People of the State of California*  
19 *vs. Juan Angel Gonzalez* (Super. Ct. Los Angeles County, 2006, No. 6PY02203). The Court  
20 placed Respondent on 24 months probation, ordered Respondent to perform 150 hours of  
21 community service, and pay \$129 in restitution and fees.

22 b. The circumstances surrounding the conviction occurred on or about January 20, 2006  
23 and Respondent was arrested.

24 SECOND CAUSE FOR DISCIPLINE

25 (Illegal Possession of a Controlled Substance/Dangerous Drug)

26 15. Respondent is subject to disciplinary action under sections 4300 and 4301,  
27 subdivision (j), in conjunction with section 4060, on the grounds of unprofessional conduct, in  
28 that on or about April 11, 2011, Respondent was in possession of methamphetamine, a controlled

1 substance/dangerous drug, as follows:

2 a. The circumstances surrounding the arrest are that on or about April 11, 2011,  
3 Respondent was arrested for attempting to enter the San Fernando Court Building with  
4 methamphetamine in his sock.

5 b. Subsequently, on or about May 26, 2011, after pleading guilty, the Court placed  
6 Respondent on 36 months Deferred Entry of Judgment for violating Health and Safety code  
7 section 11377(A) [Possession of a controlled substance] in the criminal proceeding entitled *The*  
8 *People of the State of California vs. Juan Angel Gonzalez* (Super. Ct. Los Angeles County, 2011,  
9 No. 1GF00164).

10 **THIRD CAUSE FOR DISCIPLINE**

11 **(Act Involving Moral Turpitude, Dishonesty, Fraud, Deceit, or Corruption)**

12 16. Respondent is subject to disciplinary action under sections 4300 and 4301,  
13 subdivision (f), on the grounds of unprofessional conduct, in that Respondent committed an act  
14 involving moral turpitude, dishonesty, fraud, deceit, or corruption with the intent to substantially  
15 benefit himself, or substantially injure another. Complainant refers to, and by this reference  
16 incorporates, the allegations set forth above in paragraphs 14-15, inclusive, as though set forth  
17 fully.

18 **FOURTH CAUSE FOR DISCIPLINE**

19 **(Unprofessional Conduct)**

20 17. Respondent is subject to disciplinary action under sections 4300 and 4301,  
21 subdivision (a), in that Respondent committed and acts of unprofessional conduct. Complainant  
22 refers to, and by this reference incorporates, the allegations set forth above in paragraphs 14-16,  
23 inclusive, as though set forth fully.

24 **DISCIPLINE CONSIDERATIONS**

25 18. To determine the degree of discipline, if any, to be imposed on Respondent,  
26 Complainant alleges that on or about:

27 a. On or about April 3, 2000, Respondent was convicted of one interlineated  
28 misdemeanor count of violating Vehicle Code section 23103 [Reckless driving] in the criminal

1 proceeding entitled *The People of the State of California vs. Juan Angel Gonzalez* (Super. Ct. Los  
2 Angeles County, 2000). The Court placed Respondent on 24 months probation and ordered him  
3 to pay restitution fines.

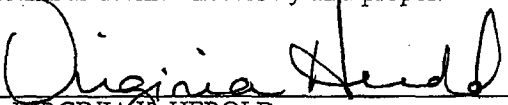
4 b. The circumstances surrounding the conviction are that on or about March 1, 2000,  
5 Respondent was arrested for driving with a tested blood alcohol level of 0.09%.

6 **PRAYER**

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

- 9 1. Revoking or suspending Pharmacy Technician Registration No. TCH 21197, issued  
10 to Juan Angel Gonzalez;
- 11 2. Ordering Juan Angel Gonzalez to pay the Board the reasonable costs of the  
12 investigation and enforcement of this case, pursuant to section 125.3; and
- 13 3. Taking such other and further action as deemed necessary and proper.

14 DATED: 3/27/14

  
15 VIRGINIA K. HEROLD  
16 Executive Officer  
17 California State Board of Pharmacy  
18 State of California  
19 Complainant

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