

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

In the Matter of the Accusation Against:

Case No. 4564

**MARLON GIOVANNI LOBO**  
12947 Downey Ave.  
Downey, CA 90242

**Pharmacy Technician Registration  
No. TCH 58270**

Respondent.

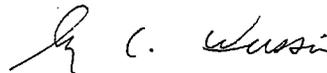
**DECISION AND ORDER**

The attached Stipulated Settlement and Disciplinary Order for Public Repeval 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 8, 2015.

It is so ORDERED on April 1, 2015.

BOARD OF PHARMACY  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA



By

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



**California State Board of Pharmacy**

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BUSINESS, CONSUMER SERVICES AND HOUSING AGENCY  
DEPARTMENT OF CONSUMER AFFAIRS  
GOVERNOR EDMUND G. BROWN JR.

April 1, 2015

Marlon Giovanni Lobo  
12947 Downey Ave.  
Downey, CA 90242

Re: LETTER OF PUBLIC REPROVAL  
In the Matter of the Accusation Against:  
Marlon Giovanni Lobo Pharmacy Technician License No. 58270

Dear Mr. Lobo:

On November 4, 2013, the Board of Pharmacy, Department of Consumer Affairs, State of California, filed an Accusation against your Pharmacy Technician License. The Accusation alleged that on or around May 15, 2012 you were convicted of a substantially related crime in violation of Business and Professions Code section 4301, subdivision (1), when you drove a vehicle driving while having 0.08% or more, by weight, of alcohol in your blood.

Taking into consideration certain mitigating factors, including the length of time you have practiced as a pharmacy technician without incident, the fact that the allegations in this case are limited to a single incident, in addition to other mitigating circumstances in this case that support the determination that you are safe to practice as a pharmacy technician, the Board has decided that the charges warrant a public reproof.

Accordingly, in resolution of this matter, under the authority provided under Business and Professions Code section 495, the Board of Pharmacy, Department of Consumer Affairs issues this letter of public reproof.

Sincerely,

A handwritten signature in cursive script that reads "Virginia Herold".

VIRGINIA HEROLD  
Executive Officer  
Board of Pharmacy  
Department of Consumer Affairs

1 KAMALA D. HARRIS  
Attorney General of California  
2 ARMANDO ZAMBRANO  
Supervising Deputy Attorney General  
3 KRITHTHIKA VASUDEVAN  
Deputy Attorney General  
4 State Bar No. 247590  
300 So. Spring Street, Suite 1702  
5 Los Angeles, CA 90013  
Telephone: (213) 897-2540  
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. 4564

11 **MARLON GIOVANNI LOBO**  
12 12947 Downey Ave.  
Downey, CA 90242

**STIPULATED SETTLEMENT AND  
DISCIPLINARY ORDER**

13 **Pharmacy Technician Registration**  
14 **No. TCH 58270**

15 Respondent.

16  
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 (Board). She brought this action solely in her official capacity and is represented in this matter by  
22 Kamala D. Harris, Attorney General of the State of California, by Kriththika Vasudevan, Deputy  
23 Attorney General.

24 2. On or about September 10, 2004, the Board of Pharmacy issued Pharmacy Technician  
25 Registration No. TCH 58270 to Marlon Giovanni Lobo (Respondent). The Pharmacy Technician  
26 Registration was in full force and effect all times relevant to the charges brought in Accusation  
27 No. 4564 and will expire on February 29, 2016, unless renewed.

28 //

1 JURISDICTION

2 3. Accusation No. 4564 was filed before the Board and is currently pending against  
3 Respondent. The Accusation and all other statutorily required documents were properly served  
4 on Respondent on May 21, 2014. Respondent timely filed his Notice of Defense contesting the  
5 Accusation.

6 4. A copy of Accusation No. 4564 is attached as exhibit A and incorporated herein by  
7 reference.

8 ADVISEMENT AND WAIVERS

9 5. Respondent has carefully read, and understands the charges and allegations in  
10 Accusation No. 4564.

11 6. Respondent has also carefully read, and understands the effects of this Stipulated  
12 Settlement and Disciplinary Order.

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

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

22 CULPABILITY

23 9 Respondent admits the truth of each and every charge and allegation in Accusation  
24 No. 4564.

25 10. Respondent agrees that his Pharmacy Technician License is subject to discipline and  
26 he agrees to be bound by the Board's imposition of discipline as set forth in the Disciplinary  
27 Order below.

28 //

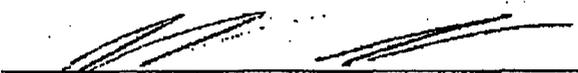


1 permitted to pay these costs in a payment plan approved by the Board. Respondent has 18  
2 months from the effective date of this decision to pay the costs. If Respondent fails to pay the  
3 Board costs, Respondent shall not be allowed to renew his Pharmacy Technician License.

4 **ACCEPTANCE**

5 I have carefully read the above Stipulated Settlement and Disciplinary Order. I understand  
6 the stipulation and the effect it will have on my Pharmacy Technician Registration. I enter into  
7 this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and  
8 agree to be bound by the Decision and Order of the Board of Pharmacy.

9  
10 DATED: 3/6/15

  
11 MARLON GIOVANNI LOBO  
Respondent

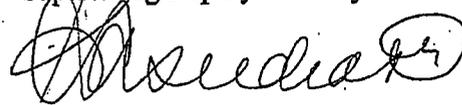
12  
13 **ENDORSEMENT**

14 The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully  
15 submitted for consideration by the Board of Pharmacy.

16  
17 Dated: 3/6/15

Respectfully submitted,

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

  
20  
21 KRITHTHIKA VASUDEVAN  
Deputy Attorney General  
22 *Attorneys for Complainant*  
23  
24  
25  
26  
27  
28

**Exhibit A**

**Accusation No. 4564**

1. KAMALA D. HARRIS  
Attorney General of California  
2. ARMANDO ZAMBRANO  
Supervising Deputy Attorney General  
3. KRITHTHIKA VASUDEVAN  
Deputy Attorney General  
4. State Bar No. 247590  
300 So. Spring Street, Suite 1702  
5. Los Angeles, CA 90013  
Telephone: (213) 897-2540  
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:

Case No. 4564

12. **MARLON GIOVANNI LOBO**  
13. 2585 Ohio Avenue  
14. South Gate, CA 90280

**ACCUSATION**

14. **Pharmacy Technician Registration**  
15. **No. TCH 58270**

16. Respondent.

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 September 10, 2004, the Board of Pharmacy issued Pharmacy Technician  
23. Registration No. TCH 58270 to Marlon Giovanni Lobo (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 February 28, 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.



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

4 . . . .

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

10 . . . .

11 "(k) The conviction of more than one misdemeanor or any felony involving the use,  
12 consumption, or self-administration of any dangerous drugs or alcoholic beverage, or any  
13 combination of those substances.

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

1 guilty, or setting aside the verdict of guilty, or dismissing the accusation, information, or  
2 indictment."

3 **REGULATORY PROVISIONS**

4 9. 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 10. Section 125.3 states, in pertinent part, that the Board may request the administrative  
13 law judge to direct a licensee 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 **FIRST CAUSE FOR DISCIPLINE**

17 **(Convictions of Substantially Related Crimes)**

18 11. Respondent is subject to disciplinary action under sections 4301, subdivision (l) and  
19 490, in conjunction with California Code of Regulations, title 16, section 1770, in that  
20 Respondent has been convicted of a crime substantially related to the qualifications, functions or  
21 duties of a pharmacy technician, as follows:

22 a. On or about May 15, 2012, after pleading nolo contendere, Respondent was convicted  
23 of one misdemeanor count of violating Vehicle Code section 23152, subdivision (b) [driving  
24 while having 0.08% or more, by weight, of alcohol in his blood] in the criminal proceeding  
25 entitled *The People of the State of California v. Marlon Giovanni Lobo* (Super. Ct. Los Angeles  
26 County, 2012, No. 2EA02177). The Court sentenced Respondent to serve 120 days in Los  
27 Angeles County Jail and placed him on five (5) years of summary probation, ordered him to  
28 finish an eighteen month alcohol program, and ordered him to pay fines.



1 DISCIPLINE CONSIDERATIONS

2 14. To determine the degree of discipline, if any, to be imposed on Respondent,  
3 Complainant alleges, as follows:

4 a. On or about December 5, 2006, Respondent was convicted of one misdemeanor count  
5 of violating Vehicle Code section 14601.1, subdivision (a) [driving while driver's license is  
6 suspended or revoked] and one misdemeanor count of violating Vehicle Code 23152, subdivision  
7 (b) [driving while having 0.08% or more, by weight, of alcohol in his blood] in the criminal  
8 proceeding entitled *The People of the State of California v. Marlon Giovanni Lobo* (Super. Ct. Los  
9 Angeles County, 2003, No. 6DW07035). The court sentenced Respondent to serve 1 day in Los  
10 Angeles county Jail and placed him on three (3) years summary probation, with terms and  
11 conditions.

12 b. On or about November 22, 2006, Respondent was convicted of one misdemeanor  
13 count of violating Vehicle Code section 14601., subdivision (a) [driving while driver's license is  
14 suspended or revoked] in the criminal proceeding entitled *The People of the State of California v.*  
15 *Marlon Giovanni Lobo* (Super. Ct. Los Angeles County, 2006, No. 6BR03573. The court  
16 sentenced Respondent to serve 10 days in Los Angeles county Jail and placed him on three (3)  
17 years summary probation, with terms and conditions.

18 c. On or about February 24, 2006, Respondent was convicted of one misdemeanor count  
19 of violating Penal Code section 594, subdivision (a) [vandalism] in the criminal proceeding  
20 entitled *The People of the State of California v. Marlon Giovanni Lobo* (Super. Ct. Los Angeles  
21 County, 2006, No. 5DW08122). The court placed Respondent on two (2) years summary  
22 probation, with terms and conditions.

23 d. On or about August 26, 2003, Respondent was convicted of one misdemeanor count  
24 of violating Vehicle Code section 20002, subdivision (a) [hit and run: property damage] and one  
25 misdemeanor count of violating Vehicle Code section 23103.5 [reckless driving involving  
26 alcohol] in the criminal proceeding entitled *The People of the State of California v. Marlon*  
27 *Giovanni Lobo* (Super. Ct. Los Angeles County, 2003, No. 3DW04155). The court sentenced  
28

1 Respondent to serve 1 day in Los Angeles county Jail and placed him on three (3) years summary  
2 probation, with terms and conditions.

3 e. On or about January 13, 2010, the Board issued Respondent Citation No. CI 2007  
4 36797 for violating sections 4301, subdivision (h) and (l) for the conviction listed in paragraph  
5 13, subdivision(a). The Board imposed a \$750.00 fine.

6 PRAYER

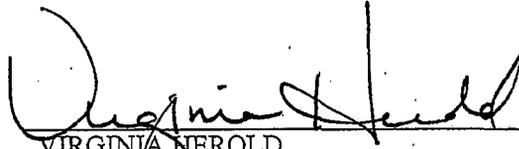
7 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,  
8 and that following the hearing, the Board issue a decision:

9 1. Revoking or suspending Pharmacy Technician Registration No. TCH 58270, issued  
10 to Marlon Giovanni Lobo;

11 2. Ordering Marlon Giovanni Lobo 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  
15 DATED: 11/4/13



16 VIRGINIA NEROLD  
17 Executive Officer  
18 Board of Pharmacy  
19 Department of Consumer Affairs  
20 State of California  
21 Complainant

22  
23  
24 LA2013508800  
25 51375092.doc  
26 kv (9/30/13)

**Exhibit B**

**Letter of Public Repeval in Case No. 4564**

Date: \_\_\_\_\_

Marlon Giovanni Lobo  
12947 Downey Ave.  
Downey, CA 90242

Re: LETTER OF PUBLIC REPRIMAND  
In the Matter of the Accusation Against:  
Marlon Giovanni Lobo Pharmacy Technician License No. 58270

Dear Mr. Lobo:

On November 4, 2013, the Board of Pharmacy, Department of Consumer Affairs, State of California, filed an Accusation against your Pharmacy Technician License. The Accusation alleged that on or around May 15, 2012 you were convicted of a substantially related crime in violation of Business and Professions Code section 4301, subdivision (l), when you drove a vehicle driving while having 0.08% or more, by weight, of alcohol in your blood.

Taking into consideration certain mitigating factors, including the length of time you have practiced as a pharmacy technician without incident, the fact that the allegations in this case are limited to a single incident, in addition to other mitigating circumstances in this case that support the determination that you are safe to practice as a pharmacy technician, the Board has decided that the charges warrant a public reproof.

Accordingly, in resolution of this matter, under the authority provided under Business and Professions Code section 495, the Board of Pharmacy, Department of Consumer Affairs issues this letter of public reproof.

Sincerely,

VIRGINIA HEROLD  
Executive Officer  
Board of Pharmacy  
Department of Consumer Affairs