

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

In the Matter of the Accusation Against:

RYAN M. HUDAK
10117 Gunn Ave. #B3
Whittier, CA 90605

**Pharmacy Technician Registration No. TCH
116376**

Respondent.

Case No. 4711

OAH No. 2014101066

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 July 22, 2015.

It is so ORDERED on July 15, 2015.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA



By

Amarylis Gutierrez
Board President

1 KAMALA D. HARRIS
Attorney General of California
2 THOMAS L. RINALDI
Supervising Deputy Attorney General
3 M. TRAVIS PEERY
Deputy Attorney General
4 State Bar No. 261887
300 So. Spring Street, Suite 1702
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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. 4711

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13 **Whittier, CA 90605**
Pharmacy Technician Registration No. TCH
116376

OAH No. 2014101066

STIPULATED SURRENDER OF
LICENSE AND ORDER

14 Respondent.

15
16 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-
17 entitled proceedings that the following matters are true;

18 PARTIES

19 1. Virginia Herold (Complainant) is the Executive Officer of the Board of Pharmacy.
20 She brought this action solely in her official capacity and is represented in this matter by Kamala
21 D. Harris, Attorney General of the State of California, by M. Travis Peery, Deputy Attorney
22 General.

23 2. Ryan M. Hudak (Respondent) is representing himself in this proceeding and has
24 chosen not to exercise his right to be represented by counsel.

25 3. On or about October 20, 2011, the Board of Pharmacy issued Pharmacy Technician
26 Registration No. TCH 116376 to Respondent. The Pharmacy Technician Registration was in full
27 force and effect at all times relevant to the charges brought in Accusation No. 4711 and will
28 expire on July 31, 2015, unless renewed.

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. If Respondent ever applies for licensure or petitions for reinstatement in the State of
6 California, the Board shall treat it as a new application for licensure.

7 5. Respondent may not apply for any license, permit, or registration from the Board for
8 three (3) years from the effective date of this decision. Respondent stipulates that should he apply
9 for any license from the Board on or after the effective date of this decision, all allegations set
10 forth in the Accusation No, 4711 shall be deemed to be true, correct, and admitted by Respondent
11 when the Board determines whether to grant or deny the application. Respondent shall satisfy all
12 requirements applicable to that license as of the date the application is submitted to the Board,
13 including, but not limited to, certification by a nationally recognized body prior to the issuance of
14 a new license. Respondent is required to report this surrender as disciplinary action.

15 6. Respondent shall pay the agency its costs of investigation and enforcement in the
16 amount of \$4,115.00 prior to issuance of a new or reinstated license.

17 7. If Respondent should ever apply or reapply for a new license or certification, or
18 petition for reinstatement of a license, by any other health care licensing agency in the State of
19 California, all of the charges and allegations contained in Accusation, No. 4711 shall be deemed
20 to be true, correct, and admitted by Respondent for the purpose of any Statement of Issues or any
21 other proceeding seeking to deny or restrict licensure.

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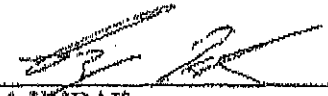
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ACCEPTANCE


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

DATED: 06/16/15 
RYAN M. HUDAK
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: 6-16-15 Respectfully submitted,
KAMALA D. HARRIS
Attorney General of California
THOMAS L. RINALDI
Supervising Deputy Attorney General


M. TRAVIS PEERY
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Accusation No. 4711

1 KAMALA D. HARRIS
Attorney General of California
2 GREGORY J. SALUTE
Supervising Deputy Attorney General
3 M. TRAVIS PEERY
Deputy Attorney General
4 State Bar No. 261887
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7 *Attorneys for Complainant*

8 **BEFORE THE**
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Case No. 4711

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10117 Gunn Ave. #B3
13 Whittier, CA 90605

ACCUSATION

14 Pharmacy Technician Registration
15 No. TCH 116376

16 Respondent.

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 October 20, 2011, the Board of Pharmacy (Board) issued Pharmacy
23 Technician Registration No. TCH 116376 to Ryan M. Hudak (Respondent). The Pharmacy
24 Technician Registration was in full force and effect at all times relevant to the charges brought
25 herein and will expire on July 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.

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

....

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

....

"(l) The conviction of a crime substantially related to the qualifications, functions, and duties of a licensee under this chapter. The record of conviction of a 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 suspending the imposition of sentence, irrespective of a subsequent order under Section 1203.4 of the Penal Code allowing the person to withdraw his or her plea of guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or dismissing the accusation, information, or indictment.

....

1 [driving while having 0.08% or more, by weight, of alcohol in his blood] in the criminal
2 proceeding entitled *The People of the State of California v. Ryan Matthew Hudak* (Super Ct. Los
3 Angeles County, 2013, No. 2WW04604.) The Court placed Respondent on 36 months probation
4 with terms and conditions.

5 b. The circumstances surrounding the conviction are that on or about August 26, 2012, a
6 Whittier Police Department officer conducted a traffic stop on Respondent. While speaking to
7 Respondent, the officer detected a strong odor of alcoholic beverage and Marijuana emitting from
8 the Respondent's person. The officer asked if Respondent had consumed any alcoholic beverages,
9 to which Respondent answered, "I had one beer." The officer then asked Respondent if he had
10 smoked any Marijuana, to which Respondent replied, "I had two hits." Respondent was
11 subsequently arrested for violating Vehicle Code Section 23152, subdivision (a) [driving under
12 the influence of alcohol or drugs] and Vehicle Code Section 23152, subdivision (b) [driving while
13 having 0.08% or more, by weight, of alcohol in his blood]. During the booking procedure,
14 Respondent submitted to a blood test that resulted in a blood-alcohol content level of 0.10%.

15 **SECOND CAUSE FOR DISCIPLINE**

16 **(Dangerous Use of Alcohol)**

17 12. Respondent is subject to disciplinary action under section 4301, subdivision (h), in
18 that on or about August 26, 2012, Respondent used alcohol to an extent or in a manner dangerous
19 or injurious to himself, another person, or the public, when he operated a vehicle while having a
20 0.10% blood-alcohol content. Complainant refers to, and by this reference incorporates, the
21 allegations set forth above in paragraph 11, subparagraph (b), as thought set forth fully.

22 **THIRD CAUSE FOR DISCIPLINE**

23 **(Use/Under the Influence of a Controlled Substance)**

24 13. Respondent is subject to disciplinary action under section 4301, subdivision (h) and
25 (j), on the grounds of unprofessional conduct, in that or on about August 26, 2012, Respondent by
26 his own admission used and/or was under the influence of a controlled substance. Complainant
27 refers to, and by this reference incorporates, the allegations set forth and by this reference

28 ///

1 incorporates, the allegations set forth above in paragraph 11, subparagraph (b), as though set forth
2 in fully.

3 **FOURTH CAUSE FOR DISCIPLINE**

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

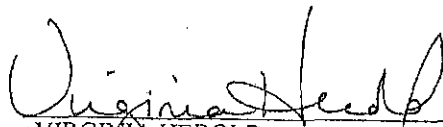
5 14. Respondent is subject to disciplinary action under section 4301, (o), in that
6 Respondent committed acts of unprofessional conduct and/ or violated provisions of the licensing
7 chapter. Complainant refers to, and by this reference incorporates, the allegations set forth above
8 in paragraphs 11-13, inclusive, as though set forth fully.

9 **PRAYER**

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

- 12 1. Revoking or suspending Pharmacy Technician Registration No. TCH 116376, issued
13 to Ryan M. Hudak;
- 14 2. Ordering Ryan M. Hudak to pay the Board the reasonable costs of the investigation
15 and enforcement of this case, pursuant to section 125.3; and
- 16 3. Taking such other and further action as deemed necessary and proper.

17
18
19 DATED: 9/14/14


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

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