

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

In the Matter of the Accusation Against:

Case No. 4798

**JESUS DANIEL CORRAL MARQUEZ**

1906 Cambridge Street  
Orange, CA 92865

Pharmacy Technician Registration No.  
TCH 110571

Respondent.

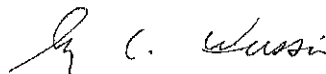
**DECISION AND ORDER**

The attached Stipulated Surrender of License 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 June 2, 2014.

It is so ORDERED on May 28, 2014.

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 LINDA K. SCHNEIDER  
Supervising Deputy Attorney General  
3 RITA M. LANE  
Deputy Attorney General  
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*Attorneys for Complainant*

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

11 In the Matter of the Accusation Against:

Case No. 4798

12 **JESUS DANIEL CORRAL MARQUEZ**  
13 **1906 Cambridge Street**  
14 **Orange, CA 92865**

**STIPULATED SURRENDER OF  
LICENSE AND ORDER**

15 **Pharmacy Technician Registration No. TCH  
110571**

16 Respondent.

17  
18 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-  
19 entitled proceedings that the following matters are true:

20 PARTIES

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

25 2. Jesus Daniel Corral Marquez (Respondent) is represented in this proceeding by  
26 attorney Luis S. Valencia, whose address is P.O. Box 3446, Fullerton, CA 92834.

27 3. On or about February 11, 2011, the Board of Pharmacy issued Pharmacy Technician  
28 Registration No. TCH 110571 to Jesus Daniel Corral Marquez (Respondent). The Pharmacy

1 Technician Registration was in full force and effect at all times relevant to the charges brought in  
2 Accusation No. 4798 and will expire on July 31, 2014, unless renewed.

3 JURISDICTION

4 4. Accusation No. 4798 was filed before the Board of Pharmacy (Board), Department of  
5 Consumer Affairs, and is currently pending against Respondent. The Accusation and all other  
6 statutorily required documents were properly served on Respondent on January 14, 2014.  
7 Respondent timely filed his Notice of Defense contesting the Accusation. A copy of Accusation  
8 No. 4798 is attached as Exhibit A and incorporated by reference.

9 ADVISEMENT AND WAIVERS

10 5. Respondent has carefully read, fully discussed with counsel, and understands the  
11 charges and allegations in Accusation No. 4798. Respondent also has carefully read, fully  
12 discussed with counsel, and understands the effects of this Stipulated Surrender of License and  
13 Order.

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

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

22 CULPABILITY

23 8. Respondent admits the truth of each and every charge and allegation in Accusation  
24 No. 4798, agrees that cause exists for discipline and hereby surrenders his Pharmacy Technician  
25 Registration No. TCH 110571 for the Board's formal acceptance.

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

28 ///

CONTINGENCY

1  
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 or his counsel. By signing the stipulation, Respondent understands  
6 and agrees that he may not withdraw his agreement or seek to rescind the stipulation prior to the  
7 time the Board considers and acts upon it. If the Board fails to adopt this stipulation as its  
8 Decision and Order, the Stipulated Surrender and Disciplinary Order shall be of no force or  
9 effect, except for this paragraph, it shall be inadmissible in any legal action between the parties,  
10 and the Board shall not 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 PDF and facsimile signatures  
13 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:

ORDER

22  
23       IT IS HEREBY ORDERED that Pharmacy Technician Registration No. TCH 110571  
24 issued to Respondent Jesus Daniel Corral Marquez is surrendered and accepted by the Board of  
25 Pharmacy.

26       1. The surrender of Respondent's Pharmacy Technician Registration and the acceptance  
27 of the surrendered license by the Board shall constitute the imposition of discipline against

28       ///

1 Respondent. This stipulation constitutes a record of the discipline and shall become a part of  
2 Respondent's license history with the Board of Pharmacy.

3 2. Respondent shall lose all rights and privileges as a pharmacy technician in California  
4 as of the effective date of the Board's Decision and Order.

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

7 4. If he ever applies for licensure or petitions for reinstatement in the State of California,  
8 the Board shall treat it as a new application for licensure. Respondent must comply with all the  
9 laws, regulations and procedures for licensure in effect at the time the application or petition is  
10 filed, and all of the charges and allegations contained in Accusation No. 4798 shall be deemed to  
11 be true, correct and admitted by Respondent when the Board determines whether to grant or deny  
12 the application or petition. Respondent must wait three (3) years from the effective date of the  
13 Decision and Order before he can reapply for licensure.

14 5. Respondent shall pay the agency its costs of investigation and enforcement in the  
15 amount of \$2,057.50 prior to issuance of a new or reinstated license.

16 6. If Respondent should ever apply or reapply for a new license or certification, or  
17 petition for reinstatement of a license, by any other health care licensing agency in the State of  
18 California, all of the charges and allegations contained in Accusation No. 4798 shall be deemed to  
19 be true, correct, and admitted by Respondent for the purpose of any Statement of Issues or any  
20 other proceeding seeking to deny or restrict licensure.

21 ACCEPTANCE

22 I have carefully read the above Stipulated Surrender of License and Order and have fully  
23 discussed it with my attorney, Luis S. Valencia. I understand the stipulation and the effect it will  
24 have on my Pharmacy Technician Registration. I enter into this Stipulated Surrender of License


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26 ///

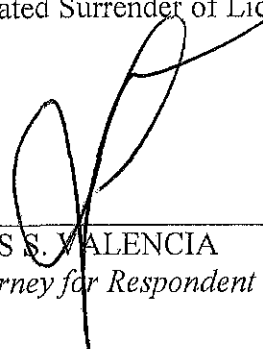
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1 and Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and  
2 Order of the Board of Pharmacy.


3  
4 DATED: 04-04-14   
5 JESUS DANIEL CORRAL MARQUEZ  
6 Respondent

7 I have read and fully discussed with Respondent Jesus Daniel Corral Marquez the terms and  
8 conditions and other matters contained in this Stipulated Surrender of License and Order. I  
9 approve its form and content.

10 DATED: 4/9/14   
11 LUIS S. VALENCIA  
12 Attorney for Respondent

13  
14 ENDORSEMENT

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

17 Dated: 4-28-14 Respectfully submitted,  
18 KAMALA D. HARRIS  
19 Attorney General of California  
20 LINDA K. SCHNEIDER  
21 Supervising Deputy Attorney General  
22   
23 RITA M. LANE  
24 Deputy Attorney General  
25 Attorneys for Complainant

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27 70828734.doc  
28

**Exhibit A**

**Accusation No. 4798**

1 KAMALA D. HARRIS  
Attorney General of California  
2 LINDA K. SCHNEIDER  
Supervising Deputy Attorney General  
3 RITA M. LANE  
Deputy Attorney General  
4 State Bar No. 171352  
110 West "A" Street, Suite 1100  
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12 **JESUS DANIEL CORRAL MARQUEZ**  
13 **1906 Cambridge Street**  
**Orange, CA 92865**

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

14 **Pharmacy Technician Registration No. TCH**  
15 **110571**

16 Respondent.

17  
18 Complainant alleges:

19 **PARTIES**

20 1. Virginia Herold (Complainant) brings this Accusation solely in her official capacity as  
21 the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs.

22 2. On or about February 11, 2011, the Board of Pharmacy issued Pharmacy Technician  
23 Registration Number TCH 110571 to Jesus Daniel Corral Marquez (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, 2014, unless renewed.

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JURISDICTION

3. This Accusation is brought before the Board of Pharmacy (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code (Code) unless otherwise indicated.

4. Section 4300 of the Code states:

(a) Every license issued may be suspended or revoked.

5. Section 4300.1 of the Code states:

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

STATUTORY PROVISIONS

6. Section 4301 of the Code states:

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

....

(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.

....

7. Section 4022 of the Code states

Dangerous drug" or "dangerous device" means any drug or device unsafe for self-use in humans or animals, and includes the following:

(a) Any drug that bears the legend: "Caution: federal law prohibits dispensing without prescription," "Rx only," or words of similar import.

1 (b) Any device that bears the statement: "Caution: federal law restricts this  
2 device to sale by or on the order of a \_\_\_\_\_," "Rx only," or words of similar  
import, the blank to be filled in with the designation of the practitioner licensed to  
use or order use of the device.

3 (c) Any other drug or device that by federal or state law can be lawfully  
4 dispensed only on prescription or furnished pursuant to Section 4006.

5 8. Section 4060 of the Code states:

6 No person shall possess any controlled substance, except that furnished to a  
7 person upon the prescription of a physician, dentist, podiatrist, optometrist,  
veterinarian, or naturopathic doctor pursuant to Section 3640.7, or furnished  
8 pursuant to a drug order issued by a certified nurse-midwife pursuant to Section  
2746.51, a nurse practitioner pursuant to Section 2836.1, or a physician assistant  
9 pursuant to Section 3502.1, or naturopathic doctor pursuant to Section 3640.5, or  
a pharmacist pursuant to either subparagraph (D) of paragraph (4) of, or clause (iv)  
10 of subparagraph (A) of paragraph (5) of, subdivision (a) of Section 4052. This  
section shall not apply to the possession of any controlled substance by a  
11 manufacturer, wholesaler, pharmacy, pharmacist, physician, podiatrist, dentist,  
optometrist, veterinarian, naturopathic doctor, certified nurse-midwife, nurse  
12 practitioner, or physician assistant, when in stock in containers correctly labeled  
with the name and address of the supplier or producer.

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

15 9. Health and Safety Code section 11173 states in pertinent part that no person shall  
16 obtain a controlled substance by fraud, deceit, subterfuge or concealment of a material fact.

#### 17 REGULATIONS

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

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

#### 23 COSTS

24 11. Section 125.3 of the Code states, in pertinent part, that the Board may request the  
25 administrative law judge to direct a licentiate found to have committed a violation or violations of  
26 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
27 enforcement of the case.

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1 **FACTS**

2 12. On June 29, 2012, at approximately, 2325 hours, police pulled Respondent over for  
3 a traffic violation. Officers observed that Respondent was slow to respond to questioning and was  
4 slow to exit his vehicle. Respondent exhibited several objective symptoms that he was under the  
5 influence of a controlled substance, including rapid pulse and dilated pupils. Respondent also had  
6 an odor of alcohol coming from his person. Respondent failed a sobriety field test and admitted he  
7 had used cocaine, marijuana and alcohol within the last couple of hours. Respondent was arrested  
8 for driving under the influence.

9 13. On June 30, 2012 at approximately 0113 hours while in police custody, Respondent  
10 submitted to a blood test and he tested positive for cocaine and marijuana.

11 **FIRST CAUSE FOR DISCIPLINE**

12 (Unprofessional Conduct: Violating Drug Statutes- Possession  
13 Of a Controlled Substance Without a Prescription)

14 14. Respondent is subject to disciplinary action under Code section 4301(j) for violating  
15 statutes regarding controlled substances in conjunction with Code section 4060 in that on or about  
16 June 29, 2012, Respondent possessed the controlled substances, cocaine and marijuana, without a  
17 prescription, an act constituting unprofessional conduct. The circumstances are set forth in detail  
18 in paragraphs 12 through 13 above.

19 **SECOND CAUSE FOR DISCIPLINE**

20 (Unprofessional Conduct: Self-Administration of a Controlled Substance)

21 15. Respondent is subject to disciplinary action under Code section 4301(h) for self-  
22 administering controlled substances in that on or about June 29, 2012, Respondent admitted to  
23 police officers that he had recently used cocaine and marijuana, acts constituting unprofessional  
24 conduct. The circumstances are set forth in detail in paragraphs 12 through 13 above.

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**THIRD CAUSE FOR DISCIPLINE**

(Unprofessional Conduct: Use of a Dangerous Drug  
to the Extent to be Dangerous to Self and Others)

16. Respondent is subject to disciplinary action under Code section 4301(h) for unprofessional conduct, for using dangerous drugs to an extent or in a manner as to be dangerous or injurious to himself and others, when he drove his vehicle under the influence of cocaine and marijuana. The circumstances are set forth in detail in paragraphs 12 through 13 above.

**DISCIPLINARY CONSIDERATIONS**

17. To determine the degree of discipline, if any, to be imposed on Respondent, Complainant alleges:

a. On or about April 9, 2012, in a prior criminal proceeding entitled *People v. Jesus Corral Marquez*, Orange County Superior Court Case No. 11NM17817, Respondent was convicted of Driving Under the Influence of Alcohol (VC section 23152(a) and Driving Under the Influence of Alcohol with a blood alcohol content over .08 percent (VC section 23152(b)). As a result of the conviction, Respondent was sentenced to three years probation, and ordered to complete a First Offender Alcohol Program and attend and complete a Mother's Against Drunk Driving Victim's Impact Panel. Respondent was further ordered to pay fines and fees. The facts that led to the conviction are that on or about August 19, 2011, Respondent drove a vehicle while under the influence of alcohol with a blood alcohol content of .14 percent.

b. On or about June 7, 2012, in a prior administrative proceeding entitled *In the Matter of the Citation Against Jesus Corral Marquez*, case number CI2011-49331, the Board cited and fined Respondent under (1) Business and Professions Code section 4301(h), in that he used alcohol in a dangerous manner; and (2) Business and Professions Code section 4301(l), in that Respondent was convicted of a crime substantially related to the practice of a pharmacy technician.

PRAYER

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

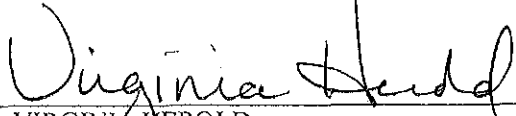
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1           1.    Revoking or suspending Pharmacy Technician Registration Number TCH 110571,  
2 issued to Jesus Daniel Corral Marquez;

3           2.    Ordering Jesus Daniel Corral Marquez to pay the Board of Pharmacy the reasonable  
4 costs of the investigation and enforcement of this case, pursuant to Business and Professions Code  
5 section 125.3; and

6           3.    Taking such other and further action as deemed necessary and proper.

7  
8 DATED: 12/12/13



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

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