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

In the Matter of the Accusation Against:
CHRISTIAN STEPHAN LEDET-PEREZ
3015 Darson Circle
Marina, CA 93933
Pharmacy Technician License No. TCH 125007

Respondent.

Case No. 4964

DEFAULT DECISION AND ORDER

[Gov. Code, §11520]

FINDINGS OF FACT

1. On or about June 9, 2014, Complainant Virginia Herold, in her official capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs, filed Accusation No. 4964 against Christian Stephan Ledet-Perez (Respondent) before the Board of Pharmacy. (A copy of the Accusation is attached as Exhibit A.)

2. On or about July 20, 2012, the Board of Pharmacy (Board) issued Pharmacy Technician License No. TCH 125007 to Respondent. The Pharmacy Technician License was in full force and effect at all times relevant to the charges brought in Accusation No. 4964. The Pharmacy Technician License expired on May 31, 2014, and has not been renewed. Pursuant to Business and Professions Code section 4300.1, this lapse does not deprive the Board of authority to institute or continue this disciplinary matter.

1 3. On or about July 1, 2014, Respondent was served by Certified and First Class Mail
2 with copies of: Accusation No. 4964; a Statement to Respondent; a Notice of Defense (2 copies);
3 a Request for Discovery; and the text of the Discovery Statutes (Government Code sections
4 11507.5, 11507.6, and 11507.7), at Respondent's address of record which was and is: 3015
5 Darson Circle, Marina, CA 93933.

6 4. Pursuant to Business and Professions Code section 136 and/or 4100, and/or California
7 Code of Regulations, title 16, section 1704, Respondent's address of record, and any changes
8 thereto, are required to be reported and maintained with the Board.

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

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

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

17 7. Respondent failed to file a Notice of Defense within 15 days after service on him of
18 the Accusation, and therefore waived his right to a hearing on the merits of Accusation No. 4964.

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

20 (a) If the respondent either fails to file a notice of defense or to appear at the
21 hearing, the agency may take action based upon the respondent's express admissions
22 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. 4964, finds that
the charges and allegations in Accusation No. 4964, are separately and severally, found to be true
and correct by clear and convincing evidence.

///

1 10. Taking official notice of its own internal records, pursuant to Business and
2 Professions Code section 125.3, it is hereby determined that the reasonable costs for Investigation
3 and Enforcement are \$5,012.00 as of August 19, 2014.

4 DETERMINATION OF ISSUES

5 1. Based on the foregoing findings of fact, Respondent Christian Stephan Ledet-Perez
6 has subjected his Pharmacy Technician License No. TCH 125007 to discipline.

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

8 3. Pursuant to Business and Professions Code section 4300.1, any lapse in licensure by
9 expiration, cancellation, forfeiture, suspension, retirement, or voluntary surrender, does not
10 deprive the Board of jurisdiction to render a disciplinary decision.

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

14 a. Respondent's License is subject to revocation pursuant to Business and Professions
15 Code section 4301(f) in that, between in or about July 2012 and February 2013, he committed
16 acts involving moral turpitude, dishonesty, fraud, deceit, or corruption, when he diverted/stole,
17 from his employer (a CVS pharmacy) controlled substances and/or dangerous drugs, including
18 **Ambien (zolpidem)** products, and **Promethazine with Codeine** products, for self-use.

19 b. Respondent's License is subject to revocation pursuant to Business and Professions
20 Code section 4301(h) and/or Health and Safety Code section 11170, in that, as described above,
21 Respondent self-administered, and/or conspired to self-administer, and/or assisted or abetted self-
22 administration of, a controlled substance.

23 c. Respondent's License is subject to revocation pursuant to Business and Professions
24 Code section(s) 4301(j) and/or (o) and/or 4059, and/or Health and Safety Code section 11170, in
25 that, as described above, Respondent furnished to himself or another, and/or conspired to furnish,
26 and/or assisted or abetted furnishing of, dangerous drugs, without a valid prescription.

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1 d. Respondent's License is subject to revocation pursuant to Business and Professions
2 Code section(s) 4301(j), (o), and/or 4060, and/or Health and Safety Code section 11350, in that,
3 as described above, Respondent possessed, conspired to possess, and/or assisted or abetted
4 possession of, a controlled substance without a valid prescription.

5 e. Respondent's License is subject to revocation pursuant to Business and Professions
6 Code section(s) 4301(j) and/or (o), and/or Health and Safety Code section 11173(a), in that, as
7 described above, Respondent obtained, conspired to obtain, and/or assisted or abetted the
8 obtaining of, a controlled substance, by fraud, deceit, subterfuge, or concealment of material fact.

9 f. Respondent's License is subject to revocation pursuant to Business and Professions
10 Code section(s) 4301(l) and/or 490, by reference to California Code of Regulations, title 16,
11 section 1770, in that on or about March 5, 2014, in the criminal case *People v. Christian Ledet-*
12 *Perez*, Case No. MS310852A in Monterey County Superior Court, based on the conduct
13 described above, Respondent was convicted of violating Business and Professions Code section
14 4060 (Possession of Controlled Substance), a misdemeanor.

15 g. Respondent's License is subject to revocation pursuant to Business and Professions
16 Code section(s) 4301(l) and/or 490, by reference to California Code of Regulations, title 16,
17 section 1770, in that on or about March 5, 2014, in the criminal case *People v. Christian Ledet-*
18 *Perez*, Case No. MS316615A in Monterey County Superior Court, Respondent was convicted of
19 violating Vehicle Code section 23152, subdivision (a) (Driving with BAC of 0.08% or More), a
20 misdemeanor.

21 h. Respondent's License is subject to revocation pursuant to Business and Professions
22 Code section(s) 4301(l) and/or 490, by reference to California Code of Regulations, title 16,
23 section 1770, in that on or about March 5, 2014, in the criminal case *People v. Christian Ledet-*
24 *Perez*, Case No. MS317513A in Monterey County Superior Court, Respondent was convicted of
25 violating Penal Code section 148, subdivision (a)(1) (Obstructing/Resisting Public Officer), a
26 misdemeanor.

27 i. Respondent's License is subject to revocation pursuant to Business and Professions
28 Code section 4301(h), in that Respondent, as stated above, used alcohol in a dangerous manner.

1 j. Respondent's License is subject to revocation pursuant to Business and Professions
2 Code section 4301, in that Respondent, as stated above, engaged in unprofessional conduct.

3
4 ORDER

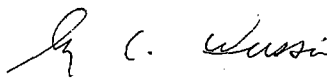
5 IT IS SO ORDERED that Pharmacy Technician Registration No. TCH 125007, heretofore
6 issued to Respondent Christian Stephan Ledet-Perez, is revoked.

7 Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a
8 written motion requesting that the Decision be vacated and stating the grounds relied on within
9 seven (7) days after service of the Decision on Respondent. The agency in its discretion may
10 vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

11 This Decision shall become effective on October 20, 2014.

12 It is so ORDERED September 19, 2014.

13
14 BOARD OF PHARMACY
15 DEPARTMENT OF CONSUMER AFFAIRS
16 STATE OF CALIFORNIA

17 By 
18 STAN C. WEISSER
19 Board President

20 41053790.DOC
21 DOJ Matter ID:SF2013406213

22 Attachment:
23 Exhibit A: Accusation

Exhibit A

Accusation

1 KAMALA D. HARRIS
Attorney General of California
2 FRANK H. PACOE
Supervising Deputy Attorney General
3 JOSHUA A. ROOM
Supervising Deputy Attorney General
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5 San Francisco, CA 94102-7004
Telephone: (415) 703-1299
6 Facsimile: (415) 703-5480
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. 4964
11 CHRISTIAN STEPHAN LEDET-PEREZ	
12 3015 Darson Circle	
13 Marina, CA 93933	
14 Pharmacy Technician License No. TCH 125007	
15 Respondent.	

A C C U S A T I O N

16 Complainant alleges:

17 PARTIES

- 18 1. Virginia Herold (Complainant) brings this Accusation solely in her official capacity
19 as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs.
- 20 2. On or about July 20, 2012, the Board of Pharmacy issued Pharmacy Technician
21 License Number TCH 125007 to Christian Stephan Ledet-Perez (Respondent). The Pharmacy
22 Technician License was in full force and effect at all times relevant to the charges brought herein
23 and will expire on May 31, 2014, unless renewed.

24 JURISDICTION

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

28 ///

1 (o) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the
2 violation of or conspiring to violate any provision or term of this chapter or of the applicable
3 federal and state laws and regulations governing pharmacy, including regulations established by
4 the board or by any other state or federal regulatory agency.

5 8. Section 490 of the Code provides, in pertinent part, that the Board may suspend or
6 revoke a license when it finds that the licensee has been convicted of a crime substantially related
7 to the qualifications, functions or duties of the license.

8 9. California Code of Regulations, title 16, section 1770, states:

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

15 10. Section 4059 of the Code, in pertinent part, prohibits furnishing of any dangerous
16 drug or dangerous device except upon the prescription of an authorized prescriber.

17 11. Section 4060 of the Code provides, in pertinent part, that no person shall possess any
18 controlled substance, except that furnished upon a valid prescription/drug order.

19 12. Health and Safety Code section 11170 provides that no person shall prescribe,
20 administer, or furnish a controlled substance for himself or herself.

21 13. Health and Safety Code section 11173, subdivision (a), provides that no person shall
22 obtain or attempt to obtain controlled substances, or procure or attempt to procure the
23 administration of or prescription for controlled substances, (1) by fraud, deceit, misrepresentation,
24 or subterfuge; or (2) by the concealment of a material fact.

25 14. Health and Safety Code section 11350, in pertinent part, makes it unlawful to possess
26 any controlled substance listed in Schedule II (Health and Safety Code section 11055),
27 subdivision (b) or (c), or any narcotic drug in Schedules III-V, absent a valid prescription.

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1 COST RECOVERY

2 15. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
3 administrative law judge to direct a licentiate found to have committed a violation of the licensing
4 act to pay a sum not to exceed its reasonable costs of investigation and enforcement.

5
6 CONTROLLED SUBSTANCES / DANGEROUS DRUGS

7 16. Section 4021 of the Code states:

8 “‘Controlled substance’ means any substance listed in Chapter 2 (commencing with Section
9 11053) of Division 10 of the Health and Safety Code.”

10 17. Section 4022 of the Code states, in pertinent part:

11 “‘Dangerous drug’ or ‘dangerous device’ means any drug or device unsafe for self use,
12 except veterinary drugs that are labeled as such, and includes the following:

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

15 ...

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

18 18. **Ambien** is a brand name for **zolpidem**, a Schedule IV controlled substance as
19 designated by Health and Safety Code section 11057(d)(32) and a dangerous drug as designated
20 by Business and Professions Code section 4022. It is a depressant drug/sleep aid.

21 19. **Phenergan with Codeine** syrup is a brand name for a compound consisting of the
22 antihistamine **promethazine**, a dangerous drug as designated by Business and Professions Code
23 section 4022, and **codeine**, a Schedule V controlled substance as designated by Health and Safety
24 Code section 11058(c)(1) and a dangerous drug as designated by Business and Professions Code
25 section 4022. This drug is also known generically as **Promethazine with Codeine** syrup. It is an
26 antihistamine/antitussive, narcotic analgesic, and sleep aid.

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28 ///

1 FACTUAL BACKGROUND

2 20. Between in or about July 2012 and on or about February 12, 2013, Respondent was
3 employed as a pharmacy technician at a CVS Pharmacy (PHY 49355) in Carmel, CA, where by
4 virtue of his employment he had access to controlled substances and dangerous drugs.

5 21. During the tenure of his employment by the CVS Pharmacy in Carmel, Respondent
6 used his access to divert/steal controlled substances and dangerous drugs, including **Ambien**
7 and/or **zolpidem** products, and **Promethazine with Codeine** products, for self-use.

8 22. The exact number of instances of diversion/theft by Respondent, and the full quantity
9 of controlled substances or dangerous drugs diverted/stolen by Respondent, are not known, but in
10 the course of investigations conducted by the pharmacy, by police, and by the Board of Pharmacy,
11 the following were among the observations, admissions, and revelations reported:

12 a. On or about February 7, 2013, during an interview conducted pursuant to an
13 investigation performed by CVS supervisors and/or loss prevention staff, Respondent admitted
14 both orally and in writing to diverting/stealing and self-using **zolpidem (Ambien)** tablets on
15 several occasions since in or about September 2012, and to more recently diverting/stealing and
16 self-using **Promethazine with Codeine** syrup on at least one occasion.

17 b. Respondent admitted to stealing approximately 200 tablets of **zolpidem** and
18 approximately 180 mls of **Promethazine with Codeine**.

19 c. On or about March 7, 2013, the CVS pharmacy (PHY 49355) submitted a
20 Report of Theft or Loss of Controlled Substances (DEA Form 106), reporting employee pilferage
21 of 180 mls of **Promethazine with Codeine** syrup, and 335 tablets of **zolpidem tartrate 10mg**.

22
23 FIRST CAUSE FOR DISCIPLINE

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

25 23. Respondent is subject to discipline under section 4301(f) of the Code, in that
26 Respondent, as described in paragraphs 20 to 22 above, committed acts involving moral turpitude,
27 dishonesty, fraud, deceit, or corruption.

1 SIXTH CAUSE FOR DISCIPLINE

2 (Conviction of Substantially Related Crime(s))

3 28. Respondent is subject to discipline under section 4301(l) and/or section 490 of the
4 Code, by reference to California Code of Regulations, title 16, section 1770, in that on or about
5 March 5, 2014, in the criminal case *People v. Christian Ledet-Perez*, Case No. MS310852A in
6 Monterey County Superior Court, Respondent was convicted of violating Business and
7 Professions Code section 4060 (Possession of Controlled Substance), a misdemeanor, as follows:

8 a. On or about February 19, 2013, based on the conduct described in paragraphs
9 20 to 22 above, Respondent was charged by Complaint in Case No. MS310852A with violating
10 Penal Code section 508 (Embezzlement by Employee over \$950.00), a misdemeanor.

11 b. On or about May 23, 2013, the Complaint was amended to add a second count
12 for violation of Business and Professions Code section 4060.

13 c. On or about May 23, 2013, Respondent pleaded guilty to Count 2 and was
14 granted a Deferred Entry of Judgment (DEJ). Count 1 was dismissed/stricken.

15 d. On or about March 5, 2014, Respondent's Deferred Entry of Judgment (DEJ)
16 was terminated, and Respondent entered a plea of nolo contendere to Count 2. Imposition of
17 sentence was suspended and Respondent was placed on conditional probation for three (3) years,
18 on terms and conditions including 40 days in County Jail (1 day CTS), to be served concurrent
19 with time imposed in MS316615A (see below), with Work Alternative Program available, search
20 conditions, restitution to CVS Pharmacy, and payment of fines and fees.

21
22 SEVENTH CAUSE FOR DISCIPLINE

23 (Conviction of Substantially Related Crime(s))

24 29. Respondent is subject to discipline under section 4301(l) and/or section 490 of the
25 Code, by reference to California Code of Regulations, title 16, section 1770, in that on or about
26 March 5, 2014, in the criminal case *People v. Christian Ledet-Perez*, Case No. MS316615A in
27 Monterey County Superior Court, Respondent was convicted of violating Vehicle Code section
28 23152, subdivision (a) (Driving with BAC of 0.08% or More), a misdemeanor, as follows:

1 a. On or about November 9, 2013, Monterey (CA) Police Department officer(s)
2 observed Respondent driving at an excessive speed in the City of Monterey. The officer(s) pulled
3 the car over, observed that Respondent's car and person smelled like alcohol, and subsequently
4 concluded based on his objective symptoms, responses to questions, and performance on Field
5 Sobriety Tests (FSTs), that he was under the influence. He was arrested, and subsequent breath
6 tests measured his blood alcohol content at 0.10% and 0.11%.

7 b. On or about November 18, 2013, Respondent was charged by Complaint in
8 Case No. MS316615A with violating (1) Vehicle Code section 23152, subdivision (a) (Driving
9 Under the Influence of Alcohol or Drugs), a misdemeanor; and (2) Vehicle Code section 23152,
10 subdivision (a) (Driving with BAC of 0.08% or More), a misdemeanor.

11 c. On or about March 5, 2014, Respondent pleaded nolo contendere to Count 2.
12 Count 1 was dismissed per the plea. Imposition of sentence was suspended and Respondent was
13 placed on conditional probation for five (5) years, on terms and conditions including 40 days in
14 County Jail (1 day CTS), to be served concurrent with time imposed by "any other sentence"
15 (including MS310852A and MS317513A [see below]), with Work Alternative Program available,
16 chemical testing conditions, completion of a First Offender Alcohol Program, and fines and fees.

17
18 EIGHTH CAUSE FOR DISCIPLINE

19 (Conviction of Substantially Related Crime(s))

20 30. Respondent is subject to discipline under section 4301(1) and/or section 490 of the
21 Code, by reference to California Code of Regulations, title 16, section 1770, in that on or about
22 March 5, 2014, in the criminal case *People v. Christian Ledet-Perez*, Case No. MS317513A in
23 Monterey County Superior Court, Respondent was convicted of violating Penal Code section 148,
24 subdivision (a)(1) (Obstructing/Resisting Public Officer), a misdemeanor, as follows:

25 a. On or about December 1, 2013, Monterey (CA) Police Department officer(s)
26 observed Respondent urinating in the doorway of an area business. When officer(s) contacted
27 Respondent, he was uncooperative, gave false identifying information, ran away, resisted the
28 officer(s)' attempts to stop him, and led the officer(s) on a foot chase.

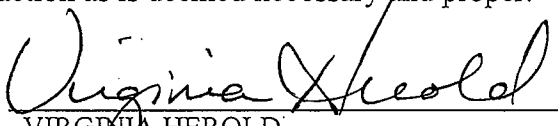
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PRAAYER

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:

1. Revoking or suspending Pharmacy Technician License Number TCH 125007, issued to Christian Stephan Ledet-Perez (Respondent);
2. Ordering Respondent to pay the Board the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;
3. Taking such other and further action as is deemed necessary and proper.

DATED: 6/9/14



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

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