

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

In the Matter of the First Amended Accusation  
Against:

**RICHARD M. ANTONIANO  
1623 Hungerford St.  
Long Beach, CA 90805  
Pharmacy Technician Registration No. TCH  
3639**

Respondent.

Case No. 5052

OAH No. 2015010191

**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 December 9, 2015.

It is so ORDERED on November 9, 2015.

BOARD OF PHARMACY  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA



By

\_\_\_\_\_  
Amy Gutierrez, Pharm.D.  
Board President

1 KAMALA D. HARRIS  
Attorney General of California  
2 THOMAS L. RINALDI  
Supervising Deputy Attorney General  
3 GEOFFREY WARD  
Deputy Attorney General  
4 State Bar No. 246437  
300 So. Spring Street, Suite 1702  
5 Los Angeles, CA 90013  
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*Attorneys for Complainant*  
7

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9 **DEPARTMENT OF CONSUMER AFFAIRS**  
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13 **1623 Hungerford St.**  
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14 **Pharmacy Technician Registration No. TCH**  
**3639**

15 Respondent.

Case No. 5052

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**STIPULATED SURRENDER OF**  
**LICENSE AND ORDER**

16  
17 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-  
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 Geoffrey Ward, Deputy Attorney  
22 General.

23 2. Richard M. Antoniano (Respondent) is represented in this proceeding by attorney  
24 Matthew Fletcher, whose address is 216 The Promenade North, Left 204, Long Beach, CA  
25 90802.

26 3. On or about January 26, 1993, the Board of Pharmacy issued Pharmacy Technician  
27 Registration No. TCH 3639 to Richard M. Antoniano (Respondent). The Pharmacy Technician  
28

1 Registration was in full force and effect at all times relevant to the charges brought in Accusation  
2 No. 5052 and will expire on March 31, 2016, unless renewed.

3 JURISDICTION

4 4. Accusation No. 5052 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 November 24, 2014.  
7 Respondent timely filed his Notice of Defense contesting the Accusation.

8 5. A First Amended Accusation No. 5052 was filed on March 24, 2015. It was deemed  
9 controverted by the original Notice of Defense. It is attached as Exhibit A and incorporated by  
10 reference.

11 ADVISEMENT AND WAIVERS

12 6. Respondent has carefully read, fully discussed with counsel, and understands the  
13 charges and allegations in First Amended Accusation No. 5052. Respondent also has carefully  
14 read, fully discussed with counsel, and understands the effects of this Stipulated Surrender of  
15 License and Order.

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

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

25 CULPABILITY

26 9. Respondent admits the truth of each and every charge and allegation in First  
27 Amended Accusation No. 5052, agrees that cause exists for discipline and hereby surrenders his  
28 Pharmacy Technician Registration No. TCH 3639 for the Board's formal acceptance.



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 may not apply for any  
9 license, permit, or registration from the Board for three (3) years from the effective date of this  
10 decision. Respondent stipulates that should he or she apply for any license from the Board on or  
11 after the effective date of this decision, all allegations set forth in the First Amended Accusation  
12 shall be deemed to be true, correct and admitted by respondent when the Board determines  
13 whether to grant or deny the application.

14 Respondent shall satisfy all requirements applicable to that license as of the date the  
15 application is submitted to the board, including, but not limited to certification by a nationally  
16 recognized body prior to the issuance of a new license. Respondent is required to report this  
17 surrender as disciplinary action.

18 5. Respondent shall pay the agency its costs of investigation and enforcement in the  
19 amount of \$2,077.50 prior to issuance of a new or reinstated license.

20 ACCEPTANCE

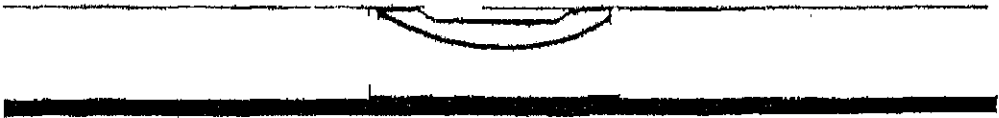
21 I have carefully read the above Stipulated Surrender of License and Order and have fully  
22 discussed it with my attorney, Matthew Fletcher. I understand the stipulation and the effect it will  
23 have on my Pharmacy Technician Registration. I enter into this Stipulated Surrender of License  
24 and Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and  
25 Order of the Board of Pharmacy.

26  
27 DATED: \_\_\_\_\_

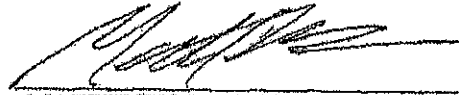
28 RICHARD M. ANTONIANO  
Respondent

21 discussed it with my attorney, Matthew Fletcher. I understand the stipulation and the effect it will  
22 have on my Pharmacy Technician Registration. I enter into this Stipulated Surrender of License  
23 and Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and  
24 Order of the Board of Pharmacy.

25  
26 DATED: 5/10/15   
27 RICHARD M. ANTONIANO  
28 Respondent



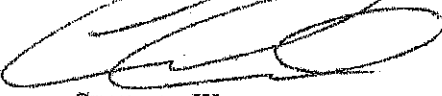
1 I have read and fully discussed with Respondent Richard M. Antoniano the terms and  
2 conditions and other matters contained in this Stipulated Surrender of License and Order. I  
3 approve its form and content.

4 DATED: 5/21/15   
5 MATTHEW FLETCHER  
6 Attorney for Respondent

7 ENDORSEMENT

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

10 Dated: 5/21/15 Respectfully submitted,  
11 KAMALA D. HARRIS  
12 Attorney General of California  
13 THOMAS L. RINALDI  
14 Supervising Deputy Attorney General

  
15 GEOFFREY WARD  
16 Deputy Attorney General  
17 Attorneys for Complainant

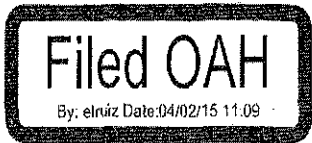
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**Exhibit A**

**First Amended Accusation No. 5052**





1 KAMALA D. HARRIS  
 Attorney General of California  
 2 MARC D. GREENBAUM  
 Supervising Deputy Attorney General  
 3 GEOFFREY WARD  
 Deputy Attorney General  
 4 State Bar No. 246437  
 300 So. Spring Street, Suite 1702  
 5 Los Angeles, CA 90013  
 Telephone: (213) 897-2660  
 6 *Attorneys for Complainant*

7  
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 11 Against:  
 12 **RICHARD M. ANTONIANO**  
 1623 Hungerford St.  
 13 Long Beach, CA 90805  
 14 Pharmacy Technician Registration No. TCH 3639  
 15 Respondent.

Case No. 5052  
**FIRST AMENDED ACCUSATION**

16 Complainant alleges:

17 **PARTIES**

18 1. Complainant Virginia Herold brings this First Amended Accusation solely in her  
 19 official capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer  
 20 Affairs.

21 2. On January 26, 1993, the Board of Pharmacy issued Pharmacy Technician Registration  
 22 No. TCH 3639 to Respondent Richard M. Antoniano. This Registration has been active at all  
 23 times relevant to this pleading and expires on March 31, 2016, unless renewed.

24 **JURISDICTION**

25 3. This First Amended Accusation is brought before the Board under the following laws.  
 26 All section references are to the Business and Professions Code unless otherwise indicated.

27 4. Section 4300 provides, in pertinent part, that every license issued by the Board is  
 28 subject to discipline, including suspension or revocation.



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

8 **COST RECOVERY**

9 8. Section 125.3 authorizes the Board to an administrative law judge to direct a licensee  
10 found to have violated the licensing act to pay a sum not to exceed the case's reasonable costs of  
11 the investigation and enforcement.

12 **CONTROLLED SUBSTANCES**

13 9. Cocaine is a Schedule II controlled substance as designated by Health and Safety Code  
14 section 11055 subdivision (b)(6) and is categorized as a dangerous drug pursuant to section 4022.

15 10. Vicodin is the brand name for a combination of hydrocodone and acetaminophen.  
16 Hydrocodone is a Schedule II narcotic and an opiate as designated by Health and Safety Code  
17 section 11055, and Vicodin is a Schedule III controlled substance under Health and Safety Code  
18 section 11056, subdivision (e)(7) because it contains "[n]ot more than 500 milligrams of opium per  
19 100 milliliters or per 100 grams or not more than 25 milligrams per dosage unit, with one or more  
20 active, nonnarcotic ingredients in recognized therapeutic amounts." As a prescription medication  
21 it is also categorized as a dangerous drug pursuant to section 4022.

22 **FIRST CAUSE FOR DISCIPLINE**

23 **(Conviction of a Substantially Related Crime:  
24 Possession of a Controlled Substance for Sale)**

25 11. Respondent is subject to disciplinary action under sections 4301, subdivision (l) and  
26 490, in conjunction with California Code of Regulations, title 16, section 1770, because he was  
27 convicted of felony possession of a controlled substance, a crime substantially related to a  
28 pharmacy technician's qualifications, functions or duties.

12. On January 10, 2014, Respondent pled nolo contendere to and was convicted of one  
felony count of violating Health and Safety Code section 11351 [possession of a controlled  
substance for sale] in the criminal proceeding entitled *People v. Richard Antoniano* (Super. Ct.

1 L.A. County, 2014, No. VA125383). The Court sentenced Respondent to serve 1 day in Los  
2 Angeles County Jail and placed him on 3 years' probation.

3 13. The circumstances surrounding Respondent's conviction are that on June 1, 2012, Los  
4 Angeles County Sheriff's deputies responded to a call of a man with a gun at a business on  
5 Paramount Boulevard in Lakewood, California. They found two men who matched the suspect's  
6 description, one of whom was Respondent. They searched Respondent for weapons, but did not  
7 find a gun. They asked Respondent if his vehicle was there. He said yes, and consented to let  
8 them search his nearby Honda Accord. In his car, they found in plain view two orange unlabeled  
9 pill bottles containing 173 500 mg Vicodin pills, a bag containing six 750 mg Vicodin pills, a pack  
10 of small clear baggies, and a plastic bag containing an off white powdery substance that resembled  
11 and was later determined to be powder cocaine.

12 14. At the time he was arrested, Respondent did not have a prescription for Vicodin or for  
13 cocaine.

14 **SECOND CAUSE FOR DISCIPLINE**

15 **(Possessing Controlled Substance Without a Prescription)**

16 15. Respondent is subject to disciplinary action under section 4301 subdivision (j) because  
17 he violated California statutes regulating controlled substances and dangerous drugs, including (a)  
18 violating Business and Professions Code section 4040 by possessing Vicodin and cocaine without  
19 a prescription; and (b) violating Health and Safety Code section 11351 by his conviction for  
20 possession and sale of a controlled substance.

21 16. Paragraphs 12 to 14 are realleged and incorporated into this cause for discipline.

22 **THIRD CAUSE FOR DISCIPLINE**

23 **(Conviction of a Substantially Related Crime: Driving Under the Influence)**

24 17. Respondent is subject to disciplinary action under sections 4301, subdivision (l) and  
25 490, in conjunction with California Code of Regulations, title 16, section 1770, because he was  
26 convicted of misdemeanor driving under the influence, a crime substantially related to a pharmacy  
27 technician's qualifications, functions or duties.

28

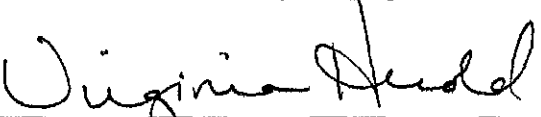
1 18. On September 29, 2014, after a jury trial, Respondent was found guilty of and  
2 convicted of one misdemeanor count of violating Vehicle Code section 23152(b) [driving while  
3 having a 0.08% or higher blood alcohol] in the criminal proceeding entitled *People v. Richard*  
4 *Antoniano* (Super. Ct. L.A. County, 2014, No. 4BF01042). The Court placed Respondent on 3  
5 years' probation and ordered him to complete a three month first-offender alcohol and drug  
6 education and counseling program.

7 PRAYER

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

- 10 1. Revoking or suspending Pharmacy Technician Registration No. TCH 3639, issued to  
11 Richard M. Antoniano;
- 12 2. Ordering Richard M. Antoniano to pay the Board of Pharmacy this case's reasonable  
13 costs of the investigation and enforcement under Business and Professions Code section 125.3;  
14 and
- 15 3. Taking such other and further action as deemed necessary and proper.

16  
17 DATED: 3/24/15



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

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