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

In the Matter of the Accusation Against:  
  
**ALVIN A. ANGELES  
8334 Sutter Buttes Way  
Sacramento, CA 95828**  
  
**Pharmacy Technician Registration No. TCH  
88474**  
  
Respondent.

Case No. 5176

**DEFAULT DECISION AND ORDER**

[Gov. Code, §11520]

FINDINGS OF FACT

1. On or about October 31, 2016, Complainant Virginia K. Herold, in her official capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs, filed Accusation No. 5176 against Alvin A. Angeles (Respondent) before the Board of Pharmacy. (Accusation attached as Exhibit A.)

2. On or about January 16, 2009, the Board of Pharmacy (Board) issued Pharmacy Technician Registration No. TCH 88474 to Respondent. The Pharmacy Technician Registration expired on August 31, 2014, and has not been renewed.

3. On or about November 9, 2016, Respondent was served by Certified and First Class Mail copies of the Accusation No. 5176, Statement to Respondent, Notice of Defense, Request for Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6, and

1 11507.7) at Respondent's address of record which, pursuant to Business and Professions Code  
2 section 4100, is required to be reported and maintained with the Board. Respondent's address of  
3 record was and is:

4 8334 Sutter Buttes Way  
5 Sacramento, CA 95828.

6 4. Service of the Accusation was effective as a matter of law under the provisions of  
7 Government Code section 11505 (c) and/or Business & Professions Code section 124.

8 5. On or about November 21, 2016, the aforementioned documents were returned by the  
9 U.S. Postal Service marked "Addressee Unknown."

10 6. Government Code section 11506(c) states, in pertinent part:

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

16 7. Respondent failed to file a Notice of Defense within 15 days after service upon him  
17 of the Accusation, and therefore waived his right to a hearing on the merits of Accusation No.  
18 5176.

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

20 (a) If the respondent either fails to file a notice of defense . . . or to appear at  
21 the hearing, the agency may take action based upon the respondent's express  
22 admissions or upon other evidence and affidavits may be used as evidence without  
23 any notice to 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. 5176, finds that  
the charges and allegations in Accusation No. 5176, are separately and severally, found to be true  
and correct by clear and convincing evidence.

10 10. Taking official notice of its own internal records, pursuant to Business and  
11 Professions Code section 125.3, it is hereby determined that the reasonable costs for Investigation

1 and Enforcement is \$ 1,351.50 as of June 9, 2017.

2 DETERMINATION OF ISSUES

3 1. Based on the foregoing findings of fact, Respondent Alvin A. Angeles has subjected  
4 his Pharmacy Technician Registration No. TCH 88474 to discipline.

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

6 3. The Board of Pharmacy is authorized to revoke Respondent's Pharmacy Technician  
7 Registration based upon the following violations alleged in the Accusation which are supported  
8 by the evidence contained in the Default Decision Evidence Packet in this case.:

9 a. Respondent is subject to discipline pursuant to Code section 4301(I), on the grounds  
10 of unprofessional conduct, in that on or about July 30, 2015, in the case of People v.  
11 Alvin A. Angeles (Super. Ct., Sacramento County, No. 13F07481), Respondent was  
12 convicted by the Court on his plea of nolo contendere of violating Penal Code section  
13 508. The circumstances of the crime are that from on or about October 3, 2011 to  
14 October 3, 2013, while acting as a pharmacy technician at CVS Pharmacy,  
15 Respondent fraudulently appropriated for his own use property of CVS Pharmacy  
16 which had come into his control and care by virtue of his employment as a pharmacy  
17 technician.

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ORDER

IT IS SO ORDERED that Pharmacy Technician Registration No. TCH 88474, heretofore issued to Respondent Alvin A. Angeles, is revoked.

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

This Decision shall become effective at 5:00 p.m. on August 16, 2017.

It is so ORDERED on July 17, 2017.

BOARD OF PHARMACY  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA



By

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

12717320  
DOJ Matter ID:SA2016103298

Attachment:  
Exhibit A: Accusation

# Exhibit A

Accusation

(ALVIN A. ANGELES)

1 KAMALA D. HARRIS  
Attorney General of California  
2 JANICE K. LACHMAN  
Supervising Deputy Attorney General  
3 JEFFREY M. PHILLIPS  
Deputy Attorney General  
4 State Bar No. 154990  
1300 I Street, Suite 125  
5 P.O. Box 944255  
Sacramento, CA 94244-2550  
6 Telephone: (916) 324-6292  
Facsimile: (916) 327-8643  
7 *Attorneys for Complainant*

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

12 In the Matter of the Accusation Against:

Case No. 5176

13 **ALVIN A. ANGELES**  
8334 Sutter Buttes Way  
Sacramento, CA 95828

**ACCUSATION**

14 **Pharmacy Technician Registration No. TCH 88474**

15 Respondent.

16  
17 Complainant alleges:

18 **PARTIES**

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

21 2. On or about January 16, 2009, the Board issued Pharmacy Technician Registration  
22 Number TCH 88474 to Alvin A. Angeles ("Respondent"). On or about June 3, 2014 the license  
23 was suspended, pursuant to Penal Code section 23, by order of the court in Sacramento County  
24 Superior Court Case No. 13F07481, *People v. Alvin A. Angeles*. On or about August 31, 2014,  
25 the license expired.

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**JURISDICTION**

3 3. Business and Professions Code ("Code") section 4300 provides, in pertinent part, that  
4 every license issued by the Board is subject to discipline, including suspension or revocation.

5 4. Code section 4300.1 states:

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

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**STATUTORY PROVISIONS**

14 5. Code section 4301 states, in pertinent part:

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

19 . . . .

20 (f) The commission of any act involving moral turpitude, dishonesty,  
21 fraud, deceit, or corruption, whether the act is committed in the course of relations as  
22 a licensee or otherwise, and whether the act is a felony or misdemeanor or not.

23 . . . .

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

26 . . . .

27 (l) The conviction of a crime substantially related to the qualifications,  
28 functions, and duties of a licensee under this chapter.

. . . .

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

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1           6.    Code section 4022 states:

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

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

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

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

11           7.    Code section 4059 states that a person may not furnish any dangerous drug except  
12 upon the prescription of a physician, dentist, podiatrist, optometrist, veterinarian, or naturopathic  
13 doctor pursuant to Section 3640.7.

14           8.    Code section 4060 states, in pertinent part:

15                   No person shall possess any controlled substance, except that furnished to  
16 a person upon the prescription of a physician, dentist, podiatrist, optometrist,  
17 veterinarian, or naturopathic doctor pursuant to Section 3640.7, or furnished pursuant  
18 to a drug order issued by a certified nurse-midwife pursuant to Section 2746.51, a  
19 nurse practitioner pursuant to Section 2836.1, or a physician assistant 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) of  
subparagraph (A) of paragraph (5) of, subdivision (a) of Section 4052.

20           9.    Health and Safety Code section 11173, subdivision (a), states, in pertinent part, that  
21 "[n]o person shall obtain or attempt to obtain controlled substances, or procure or attempt to  
22 procure the administration of or prescription for controlled substances, (1) by fraud, deceit,  
23 misrepresentation, or subterfuge . . ."

24           10.   Health and Safety Code section 11350, subdivision (a), states:

25                   Except as otherwise provided in this division, every person who possesses  
26 (1) any controlled substance specified in subdivision (b) or (c), or paragraph (1) of  
27 subdivision (f) of Section 11054, specified in paragraph (14), (15), or (20) of  
28 subdivision (d) of Section 11054, or specified in subdivision (b) or (c) of Section  
11055, or specified in subdivision (h) of Section 11056, or (2) any controlled  
substance classified in Schedule III, IV, or V which is a narcotic drug, unless upon  
the written prescription of a physician, dentist, podiatrist, or veterinarian licensed to



1 practice in this state, shall be punished by imprisonment pursuant to subdivision (h)  
2 of Section 1170 of the Penal Code.

### 3 COST RECOVERY

4 11. Code section 125.3 provides, in pertinent part, that a Board may request the  
5 administrative law judge to direct a licentiate found to have committed a violation or violations of  
6 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
7 enforcement of the case.

### 8 CONTROLLED SUBSTANCES & DANGEROUS DRUGS

9 12. "Viagra" a brand of Sildenafil citrate, is a dangerous drug within the meaning of  
10 Business and Professions Code section 4022 in that it requires a prescription under federal law.

11 10. "Norco" a brand of hydrocodone bitartrate and acetaminophen, is a Schedule III  
12 controlled substance as designated by Health and Safety Code section 11056, subdivision (e)(4).

### 13 BACKGROUND

14 13. On or about June 21, 2009 to February 5, 2012, Respondent was employed as a  
15 pharmacy technician at CVS Pharmacy # 9832 in Vallejo, California. On or about February 5,  
16 2012 to August 4, 2013, Respondent was employed as a pharmacy technician at CVS Pharmacy #  
17 3022 in Galt, California. On or about August 4, 2013 to October 9, 2013, Respondent was  
18 employed as a pharmacy technician at CVS Pharmacy # 9199 in Fair Oaks, California.

19 14. From about September 26, 2012, October 7, 2012 and October 24, 2012, and January  
20 17, 2013, a Sacramento County Sheriff officer discovered a Craig's List ad selling "Magic Blue  
21 Pills - Viagra" for \$15.00 each. In response, the Sacramento County Sheriff's office conducted  
22 an undercover operation on November 1, 2012, December 3, 2012, and October 3, 2013,  
23 purchasing 75 Viagra tablets from Respondent, without a doctor's note or prescription. On or  
24 about October 3, 2013, Respondent was arrested by the Sacramento County Sheriff and admitted  
25 to stealing Viagra and Norco from work and selling these controlled substances over the internet  
26 for the past two years. Respondent stated that he stole approximately about one bottle of 30 pills  
27 per month. After a search of Respondent's vehicle after his arrest, law enforcement officers  
28 discovered one bottle of Norco, one bottle of Vicodin, and one bottle of Metformin

1 Hydrochloride that had been stolen from Respondent's employer, CVS Pharmacy. Later, it was  
2 determined that the drug thefts from CVS Pharmacy by Respondent totaled \$9,263.98..

3 **FIRST CAUSE FOR DISCIPLINE**

4 **(Conviction of a Crime)**

5 15. Respondent is subject to discipline pursuant to Code section 4301(l), on the grounds  
6 of unprofessional conduct, in that on or about July 30, 2015, in the case of *People v. Alvin A.*  
7 *Angeles* (Super. Ct., Sacramento County, No. 13F07481), Respondent was convicted by the Court  
8 on his plea of nolo contendere of violating Penal Code section 508. The circumstances of the  
9 crime are that from on or about October 3, 2011 to October 3, 2013, while acting as a pharmacy  
10 technician at CVS Pharmacy, Respondent fraudulently appropriated for his own use property of  
11 CVS Pharmacy which had come into his control and care by virtue of his employment as a  
12 pharmacy technician.

13 **SECOND CAUSE FOR DISCIPLINE**

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

15 16. Respondent is subject to disciplinary action pursuant to Code section 4301,  
16 subdivision (f), for unprofessional conduct, and Health and Safety Code section 11173,  
17 subdivision (a), in that while on duty as a pharmacy technician at CVS Pharmacy from  
18 approximately October 3, 2011 to October 3, 2013, Respondent obtained dangerous drugs and  
19 controlled substances by fraud and deceit and committed acts involving moral turpitude,  
20 dishonesty, fraud, deceit, or corruption, as set forth in paragraphs 13-15, above.

21 **THIRD CAUSE FOR DISCIPLINE**

22 **(Violations of State Laws Regulating Controlled Substances)**

23 17. Respondent is subject to disciplinary action pursuant to Code section 4301,  
24 subdivision (j), for unprofessional conduct, in violation of Code section 4060 and/or Health and  
25 Safety Code section 11350, subdivision (a), in that while on duty as a pharmacy technician at  
26 CVS Pharmacy from approximately October 3, 2011 to October 3, 2013, Respondent possessed  
27 the controlled substances Norco without a valid or lawful prescription for these controlled  
28 substances, as set forth in paragraphs 13-15, above.

1 **FOURTH CAUSE FOR DENIAL**

2 **(Violations of the Pharmacy Law)**

3 18. Respondent is subject to disciplinary action pursuant to Code section 4301,  
4 subdivisions (j) and (o), for unprofessional conduct, Respondent violated or attempted to violate,  
5 directly or indirectly, a provision or term of the Pharmacy Law (Bus. & Prof. Code § 4300, et  
6 seq.), specifically, Code sections 4059(a) and 4060, in that while on duty as a pharmacy  
7 technician at CVS Pharmacy from approximately October 3, 2011 to October 3, 2013,  
8 Respondent obtained, and possessed the controlled substances Norco and the dangerous drug  
9 Viagra, without a valid or lawful prescription for these controlled substances or dangerous drugs,  
10 as set forth in paragraphs 13-15, above.]

11 **FIFTH CAUSE FOR DENIAL**

12 **(Possession of Controlled Substances)**

13 19. Respondent is subject to disciplinary action pursuant to Code section 4060 and Health  
14 and Safety Code section 11350, subdivision (a), for possession of controlled substances without a  
15 valid prescription, in that while on duty as a pharmacy technician at CVS Pharmacy from  
16 approximately October 3, 2011 to October 3, 2013, Respondent obtained and possessed the  
17 controlled substances Norco, without a valid or lawful prescription for these controlled  
18 substances, as set forth in paragraphs 13-15, above.

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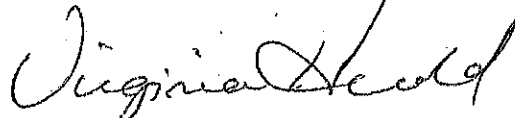
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PRAYER

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:

1. Revoking or suspending Pharmacy Technician Registration Number TCH 88474, issued to Alvin A. Angeles;
2. Ordering Alvin A. Angeles to pay the Board of Pharmacy 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 deemed necessary and proper.

DATED: 10/31/16



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

SA2014114491