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

In the Matter of the Accusation Against:

Case No. 5325

SHAWN CLARENCE VILA
2650 S. Myrtle, Suite B-4
Monrovia, CA 91016
Pharmacy Technician Registration License
No. TCH 123835

DEFAULT DECISION AND ORDER

[Gov. Code, §11520]

Respondent.

FINDINGS OF FACT

1. On or about May 28, 2015, Complainant Virginia K. Herold, in her official capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs, filed Accusation No. 5325 against Shawn Clarence Vila (Respondent) before the Board of Pharmacy.

(Accusation attached as Exhibit A.)

2. On or about July 20, 2012, the Board of Pharmacy (Board) issued Pharmacy Technician Registration License No. TCH 123835 to Respondent. The Pharmacy Technician

1 Registration License was in full force and effect at all times relevant to the charges brought in
2 Accusation No. 5325 and will expire on September 30, 2015, unless renewed.

3 3. On or about June 18, 2015, Respondent was served by Certified and First Class Mail
4 copies of the Accusation No. 5325, Statement to Respondent, Notice of Defense, Request for
5 Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6, and 11507.7) at
6 Respondent's address of record which, pursuant to Business and Professions Code section 4100,
7 is required to be reported and maintained with the Board. Respondent's address of record was
8 and is:

9 2650 S. Myrtle, Suite B-4
10 Monrovia, CA 91016.

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

14 5. On or about July 29, 2015, the aforementioned Certified mail documents were
15 returned by the U.S. Postal Service marked "Addressee Unknown."

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

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

22 7. Respondent failed to file a Notice of Defense within 15 days after service upon him
23 of the Accusation, and therefore waived his right to a hearing on the merits of Accusation
24 No. 5325.

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

26 (a) If the respondent either fails to file a notice of defense or to appear at the
27 hearing, the agency may take action based upon the respondent's express admissions
28 or upon other evidence and affidavits may be used as evidence without any notice to
respondent.

9 Pursuant to its authority under Government Code section 11520, the Board finds
Respondent is in default. The Board will take action without further hearing and, based on the

1 relevant evidence contained in the Default Decision Evidence Packet in this matter, as well as
2 taking official notice of all the investigatory reports, exhibits and statements contained therein on
3 file at the Board's offices regarding the allegations contained in Accusation No. 5325, finds that
4 the charges and allegations in Accusation No. 5325, are separately and severally, found to be true
5 and correct by clear and convincing evidence.

6 10. Taking official notice of its own internal records, pursuant to Business and
7 Professions Code section 125.3, it is hereby determined that the reasonable costs for Investigation
8 and Enforcement is \$810.00 as of September 28, 2015.

9 DETERMINATION OF ISSUES

10 1. Based on the foregoing findings of fact, Respondent Shawn Clarence Vila has
11 subjected his Pharmacy Technician Registration License No. TCH 123835 to discipline.

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

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

16 a. Business and Professions Code sections 4300 and 4301, subdivision (l), and
17 California Code of Regulations, title 16, section 1770, for conviction of a substantially related
18 crime, unprofessional conduct.

19 b. Business and Professions Code sections 4300 and 4301, subdivision (f), for acts
20 involving moral turpitude, dishonesty, fraud, deceit, or corruption, unprofessional conduct.

21 c. Business and Professions Code sections 4300 and 4301, for unprofessional conduct.

22 ORDER

23 IT IS SO ORDERED that Pharmacy Technician Registration License No. TCH 123835,
24 heretofore issued to Respondent Shawn Clarence Vila, is revoked.

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

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This Decision shall become effective on December 18, 2015.

It is so ORDERED November 18, 2015.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA



By

Amy Gutierrez, Pharm.D.
Board President

51920240.DOC
DOJ Matter ID: LA2015500011

Attachment:
Exhibit A: Accusation

Exhibit A

Accusation

(SHAWN CLARENCE VILA)

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Attorneys for Complainant
7

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

11 In the Matter of the Accusation Against:

Case No. 5325

12 **SHAWN CLARENCE VILA**
2650 S. Myrtle, Suite B-4
13 Monrovia, CA 91016

ACCUSATION

14 Pharmacy Technician Registration License No.
15 TCH 123835

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 (Board).

22 2. On or about July 20, 2012, the Board issued Pharmacy Technician Registration
23 License No. TCH 123835 to Shawn Clarence Vila (Respondent). The Pharmacy Technician
24 Registration License was in full force and effect at all times relevant to the charges brought herein
25 and will expire on September 30, 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.

1 4. Section 4300, subdivision (a), states that "[e]very license issued may be suspended or
2 revoked."

3 5. Section 4300.1 states:

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

9 **STATUTORY PROVISIONS**

10 6. Section 4301 states, in pertinent part:

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

14

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

18

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

21 **REGULATORY PROVISION**

22 7. California Code of Regulations, title 16, section 1770 states:

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

1 **COST RECOVERY**

2 8. Section 125.3 provides that the Board may request the administrative law judge to
3 direct a licensee found to have committed a violation or violations of the licensing act to pay a
4 sum not to exceed the reasonable costs of the investigation and enforcement of the case.

5 **CONTROLLED SUBSTANCES / DANGEROUS DRUGS**

6 9. Marijuana is a hallucinogenic Schedule I controlled substance under State and federal
7 law (Health & Saf. Code § 11054 subd. (d)(13); and 21 U.S.C. § 812.), and a dangerous drug
8 pursuant to section 4022.

9 **FIRST CAUSE FOR DISCIPLINE**

10 **(Conviction of a Substantially Related Crime)**

11 10. Respondent is subject to disciplinary action under sections 4300 and 4301, subdivision
12 (l), in conjunction with California Code of Regulations, title 16, section 1770, on the grounds of
13 unprofessional conduct, in that Respondent committed a crime substantially related to the
14 qualifications, functions or duties of a pharmacy technician. The circumstances are as follows:

15 a. On or about June 5, 2014, after pleading nolo contendere, Respondent was convicted
16 of one felony count of violating Penal Code section 459 [burglary] in the criminal proceeding
17 entitled *The People of the State of California v. Shawn Clarence Vila* (Super. Ct. L.A. County,
18 2014, No. GA093285). The Court sentenced Respondent to four years prison, sentence
19 suspended to 365 days in jail, and placed him on three years formal probation.

20 b. The circumstances underlying the conviction are that:

21 i. On or about May 14, 2014, Respondent and three others decided they wanted to
22 burglarize another acquaintance's home for video game electronic products. Cell phone text
23 messages were sent between the conspirators regarding the crime. A cell phone text was sent to
24 the victim asking if he had plans, and no response was returned. Respondent was the driver during
25 the burglary. While the victim was in the shower, the burglars entered into the victim's house
26 through a sliding glass door, and stole items with the approximate value of \$3,620.00, as follows:

27 Black Apply TV box

28 Sony video game console, PS4

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- Apple desktop computer system, IMAC
- Samsung television, approx.. 40" screen
- Nintendo video game system, 3DS
- Blu-Ray DVD movie, "Rise of the Planet of the Apes"
- PS4 video game, "Infamous: Second Son"
- Blue butane torch lighter
- Small glass marijuana "bong"
- Sandwich baggie of marijuana
- Small plastic pill bottle of marijuana, flavor of Girls Scout cookie
- Magic Flight power cord adaptor
- Canon digital camera, 60D

ii. Later, on or about May 14, 2014, while Respondent was driving his vehicle with three passengers and the loot from their burglary, Monrovia Police Department officers on routine traffic patrol stopped Respondent's vehicle for vehicle equipment violations. As the officer approached the vehicle, he noticed a strong odor of marijuana come from inside the vehicle. Respondent and his passengers were questioned about holding a television on their laps and their destinations. While the officer was questioning Respondent, in plain view on the left rear passenger floorboard were metal knuckles. The occupants exited the vehicle, and during a search of the passengers a 5" blade hunting style knife was found on one passenger. Respondent informed the officer that there was marijuana in the vehicle, and claimed ownership of a backpack containing expensive video game equipment, stolen items. In the rear trunk was an Apple Mac desktop computer with two mailed packages from Amazon addressed to the burglary victim. The burglary victim was contacted and it was confirmed that his house was burglarized while he was in the shower.

SECOND CAUSE FOR DISCIPLINE

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

11. Respondent is subject to disciplinary action under sections 4300 and 4301, subdivision (f), on the grounds of unprofessional conduct, in that Respondent committed acts involving moral

1 turpitude, dishonesty, fraud, deceit, or corruption. Complainant refers to and by this reference
2 incorporates the allegations set forth above in paragraph 10, inclusive, as though set forth fully.

3 **THIRD CAUSE FOR DISCIPLINE**

4 **(Unprofessional Conduct)**

5 12. Respondent is subject to disciplinary action under sections 4300 and 4301, in that
6 Respondent committed acts of unprofessional conduct. Complainant refers to and by this reference
7 incorporates the allegations set forth above in paragraph 10, inclusive, as though set forth fully.

8 **PRAAYER**

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

- 11 1. Revoking or suspending Pharmacy Technician Registration License No. TCH 123835,
12 issued to Shawn Clarence Vila;
- 13 2. Ordering Shawn Clarence Vila to pay the Board of Pharmacy the reasonable costs of
14 the investigation and enforcement of this case, pursuant to section 125.3; and
- 15 3. Taking such other and further action as deemed necessary and proper.

16
17 DATED: _____

5/28/15



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

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