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

In the Matter of the Accusation Against:

MYCHAEL LOUIS CAMACHO LOPEZ
13807 Mayport Ave.
Norwalk, CA 90650

Pharmacy Technician Registration
No. TCH 131980

Respondent.

Case No. 5458
DEFAULT DECISION AND ORDER

[Gov. Code, §11520]

FINDINGS OF FACT

1. On or about October 20, 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. 5458 against Mychael Louis Camacho Lopez (Respondent) before the Board of Pharmacy. (Accusation attached as Exhibit A.)

2. On or about December 31, 2013, the Board of Pharmacy (Board) issued Pharmacy Technician Registration No. TCH 131980 to Respondent. The Pharmacy Technician Registration will expire on August 31, 2017, unless renewed.

3. On or about October 29, 2015, Respondent was served by Certified and First Class Mail copies of the Accusation No. 5458, 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: 13807 Mayport Ave., Norwalk, CA 90650.

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

7 5. On or about December 2, 2015, the U.S. Postal Service returned the green receipt for
8 certified mail, signed by Respondent on an unknown date, as receiving the aforementioned
9 documents at Respondent's address of record.

10 6. Government Code section 11506 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 parts
13 of the accusation not expressly admitted. Failure to file a notice of defense shall
14 constitute a waiver of respondent's right to a hearing, but the agency in its discretion
15 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 5458.

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. 5458, finds that
the charges and allegations in Accusation No. 5458, are separately and severally, found to be true
and correct by clear and convincing evidence.

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ORDER

IT IS SO ORDERED that Pharmacy Technician Registration No. TCH 131980, heretofore issued to Respondent Mychael Louis Camacho Lopez, 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 June 6, 2016.

It is so ORDERED on May 6, 2016.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA



By _____

Amy Gutierrez, Pharm.D.
Board President

52032236.DOC
DOJ Matter ID:LA2015500866
Jz(3/25/16)

Attachment:
Exhibit A: Accusation

Exhibit A

Accusation

(MYCHAEL LOUIS CAMACHO LOPEZ)

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7 *Attorneys for Complainant*

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

11 In the Matter of the Accusation Against:
12 **MYCHAEL LOUIS CAMACHO LOPEZ**
13 13807 Mayport Ave.
Norwalk, CA 90650
14 Pharmacy Technician Registration
15 No. TCH 131980
16 Respondent.

Case No. 5458
ACCUSATION

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, Department of Consumer Affairs.
- 21 2. On or about December 31, 2013, the Board of Pharmacy (Board) issued Pharmacy
22 Technician Registration No. TCH 131980 to Mychael Louis Camacho Lopez (Respondent). The
23 Pharmacy Technician Registration was in full force and effect at all times relevant to the charges
24 brought herein and will expire on August 31, 2017, unless renewed.

25 **JURISDICTION**

- 26 3. This Accusation is brought before the Board under the authority of the following
27 laws. All section references are to the Business and Professions Code unless otherwise indicated.

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1 “(j) The violation of any of the statutes of this state, or any other state, or of the United
2 States regulating controlled substances and dangerous drugs.”

3 8. Health and Safety Code section 11170 states:

4 “No person shall prescribe, administer, or furnish a controlled substance for himself.”

5 **COST RECOVERY**

6 9. Section 125.3 states, in pertinent part, that the Board may request the administrative
7 law judge to direct a licentiate found to have committed a violation or violations of the licensing
8 act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the
9 case.

10 **CONTROLLED SUBSTANCES**

11 10. “Hydrocodone/APAP 5-325,” is a Schedule II controlled substance as designated by
12 Health and Safety Code section 11055, subdivision (b)(1)(I) and is categorized as a dangerous
13 drug pursuant to section 4022.

14 **FIRST CAUSE FOR DISCIPLINE**

15 **(Obtained or Possessed a Controlled Substance)**

16 11. Respondent is subject to disciplinary action under section 4301, subdivision (j), as
17 defined in section 4060, in that while employed as a pharmacy technician at CVS #9852,
18 Respondent stole items from the store, including controlled substances. On or about September 9,
19 2014, a CVS Regional Loss Prevention Manager (RLPM) and a Pharmacy Supervisor received
20 information that Respondent was consuming products from the store without paying. When
21 confronted by RLPM, Respondent admitted that between March 30, 2014 and September 9, 2014,
22 he stole items which included; Monsters, beef jerky, chips, \$15.00 from the cash register, 6-10
23 tablets of Hydrocodone/APAP 5-325 for personal consumption, and a knee brace (\$58.51).
24 Respondent was suspended on September 9, 2014 and terminated from employment on
25 September 15, 2014.

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SECOND CAUSE FOR DISCIPLINE

(Self Administration of a Controlled Substance)

12. Respondent is subject to disciplinary action under section 4301, subdivision (h), as defined in Health and Safety Code section 11170, in that Respondent self administered a controlled substance to himself without a prescription. Complainant refers to, and by this reference incorporates, the allegations set forth above in paragraph 11, as though set forth fully.

THIRD CAUSE FOR DISCIPLINE

(Dishonest Acts)

13. Respondent is subject to disciplinary action under section 4301, subdivision (f), in that Respondent committed dishonest acts, by stealing and self administering a controlled substance from his employer, without a prescription. Complainant refers to, and by this reference incorporates, the allegations set forth above in paragraphs 11 and 12, as though set forth fully.

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 No. TCH 131980, issued to Mychael Louis Camacho Lopez;
2. Ordering Mychael Louis Camacho Lopez 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; and
3. Taking such other and further action as deemed necessary and proper.

DATED: 10/20/15

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

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jz(10/9/15)