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

In the Matter of the Accusation Against:
TARAS PARASHCHAK
4408 Bijan Court
Fair Oaks, CA 95628
Pharmacy Technician Registration
No. TCH 133006

Respondent.

Case No. 5675

DEFAULT DECISION AND ORDER

[Gov. Code, §11520]

FINDINGS OF FACT

1. On or about March 21, 2016, Complainant Virginia K. Herold, in her official capacity as the Executive Officer of the Board of Pharmacy ("Board"), Department of Consumer Affairs, filed Accusation No. 5675 against Taras Parashchak ("Respondent") before the Board. (A true and correct copy of Accusation No. 5675 is attached hereto, marked Exhibit A, and incorporated herein by reference.)

2. On or about November 25, 2013, the Board issued Pharmacy Technician Registration No. TCH 133006 to Respondent. The Pharmacy Technician Registration was in full force and effect at all times relevant to the charges brought in Accusation No. 5675 and will expire on September 30, 2017, unless renewed.

1 3. On or about April 5, 2016, Respondent was served by Certified and First Class Mail
2 copies of the Accusation No. 5675, Statement to Respondent, Notice of Defense, Request for
3 Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6, and 11507.7) at
4 Respondent's address of record which, pursuant to Business and Professions Code section 4100,
5 is required to be reported and maintained with the Board. Respondent's address of record was
6 and is: 4408 Bijan Ct., Fair Oaks, CA 95628.

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

10 5. None of the documents served on Respondent on April 5, 2016, were returned by the
11 U. S. Postal Service.

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

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

18 7. Respondent failed to file a Notice of Defense within 15 days after service upon him
19 of the Accusation, and therefore waived his right to a hearing on the merits of Accusation No.
20 5675.

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

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

26 9. Pursuant to its authority under Government Code section 11520, the Board finds
27 Respondent is in default. The Board will take action without further hearing and, based on the
28 relevant evidence contained in the Default Decision Investigatory Evidence Packet in this matter,
as well as taking official notice of all the investigatory reports, exhibits and statements contained
therein on file at the Board's offices regarding the allegations contained in Accusation No. 5675,

1 finds that the charges and allegations in Accusation No. 5675, are separately and severally, found
2 to be true and correct by clear and convincing evidence.

3 10. Taking official notice of its own internal records, pursuant to Business and
4 Professions Code section 125.3, it is hereby determined that the reasonable costs for Investigation
5 and Enforcement is \$1,789.00 as of May 13, 2016.

6 **DETERMINATION OF ISSUES**

7 1. Based on the foregoing Findings of Fact, Respondent Taras Parashchak
8 ("Respondent") has subjected his Pharmacy Technician Registration No. TCH 133006 to
9 discipline.

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

11 3. The Board of Pharmacy ("Board") is authorized to revoke Respondent's Pharmacy
12 Technician Registration based upon the following violations alleged in the Accusation which are
13 supported by the evidence contained in the Default Decision Investigatory Evidence Packet in this
14 case, as follows:

15 a. Respondent violated Business and Professions Code section 4301, subdivision (h), in
16 that in and between April and September 2014, he self-administered the controlled substance
17 Heroin and used Heroin to an extent or in a manner dangerous or injurious to himself, others
18 and/or the public;

19 b. Respondent violated Business and Professions Code section 4301, subdivision (j), in
20 that on or about September 2, 2014, Respondent unlawfully possessed the controlled substances
21 Heroin and Marijuana in violation of Health and Safety Code section 11350, subdivision (a);

22 c. Respondent violated Business and Professions Code section 4301, subdivision (f), in
23 that he committed acts involving moral turpitude, dishonesty, fraud, deceit, or corruption in that
24 he falsely identified himself and provided a false birth date to a law enforcement officer;

25 d. In aggravation, Respondent was convicted on or about July 30, 2013, on his plea to
26 violating Vehicle Code section 23152, subdivision (b), and Penal Code section 148, subdivision
27 (a), both misdemeanors, and placed on probation for three years. Respondent's convictions were
28

1 taken into consideration prior to the issuance of Pharmacy Technician Registration No. TCH
2 133006 to Respondent on or about November 25, 2013.

3 **ORDER**

4 **IT IS SO ORDERED** that Pharmacy Technician Registration No. TCH 133006 heretofore
5 issued to Respondent Taras Parashchak is **REVOKED**.

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

10 This Decision shall become effective at 5:00 p.m. on July 8, 2016.

11 It is so **ORDERED** on June 8, 2016.

12 BOARD OF PHARMACY
13 DEPARTMENT OF CONSUMER AFFAIRS
14 STATE OF CALIFORNIA

15 

16
17 By _____

18 Amy Gutierrez, Pharm.D.
19 Board President

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21 Attachment:

22 Exhibit A: Accusation
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Exhibit A

Accusation

(TARAS PARASHCHAK)

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2 KENT D. HARRIS
Supervising Deputy Attorney General
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Sacramento, CA 94244-2550
6 Telephone: (916) 324-5337
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. 5675

13 **TARAS PARASHCHAK**
4408 Bijan Court
Fair Oaks, CA 95628

ACCUSATION

14 **Pharmacy Technician Registration**
15 **No. TCH 133006**

16 Respondent.

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 November 25, 2013, the Board issued Pharmacy Technician Registration
22 Number TCH 133006 to Taras Parashchak ("Respondent"). The Pharmacy Technician
23 Registration was in full force and effect at all times relevant to the charges brought herein and
24 will expire on September 30, 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 ("Code") unless otherwise
28 indicated.

ACCUSATION

1 4. Section 4300 states, in pertinent part:

2 (a) Every license issued may be suspended or revoked.

3 (b) The board shall discipline the holder of any license issued by the
4 board, whose default has been entered or whose case has been heard by the board and
found guilty, by any of the following methods:

5 (1) Suspending judgment.

6 (2) Placing him or her upon probation.

7 (3) Suspending his or her right to practice for a period not exceeding one
8 year.

9 (4) Revoking his or her license.

10 (5) Taking any other action in relation to disciplining him or her as the
board in its discretion may deem proper . . .

11 5. Section 4300.1 states:

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

16 **STATUTORY PROVISIONS**

17 6. Section 4301 states, in pertinent part:

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

21 (f) The commission of any act involving moral turpitude, dishonesty,
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 (h) The administering to oneself, of any controlled substance, or the use
of any dangerous drug or of alcoholic beverages to the extent or in a manner as to be
24 dangerous or injurious to oneself, to a person holding a license under this chapter, or
to any other person or to the public, or to the extent that the use impairs the ability of
25 the person to conduct with safety to the public the practice authorized by the license.

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

27 7. Health and Safety Code section 11170 states that "[n]o person shall prescribe,
28 administer, or furnish a controlled substance for himself."

1 8. Health and Safety Code section 11350, subdivision (a), states:

2 Except as otherwise provided in this division, every person who possesses
3 (1) any controlled substance specified in subdivision (b) or (c), or paragraph (1) of
4 subdivision (f) of Section 11054, specified in paragraph (14), (15), or (20) of
5 subdivision (d) of Section 11054, or specified in subdivision (b) or (c) of Section
6 11055, or specified in subdivision (h) of Section 11056, or (2) any controlled
7 substance classified in Schedule III, IV, or V which is a narcotic drug, unless upon
8 the written prescription of a physician, dentist, podiatrist, or veterinarian licensed to
9 practice in this state, shall be punished by imprisonment pursuant to subdivision (h)
10 of Section 1170 of the Penal Code.

7 **COST RECOVERY**

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

12 **DRUGS**

13 10. "Heroin" is a Schedule I controlled substance as designated by Health and Safety
14 Code section 11054, subdivision (c)(11).

15 11. "Marijuana" is a Schedule I controlled substance as designated by Health and Safety
16 Code section 11054, subdivision (d)(13).

17 **FACTUAL ALLEGATIONS**

18 12. At all times alleged herein, Respondent was on court-ordered criminal probation as
19 more particularly described in paragraph 18 and all of its subparts, below, incorporated herein by
20 reference.

21 13. On or about September 2, 2014, a California Highway Patrol officer initiated an
22 enforcement stop on a vehicle for failing to stop prior to the limit line at a stop sign. The officer
23 made contact with the driver (later identified as Respondent) who admitted that he had no
24 identification and that the vehicle belonged to his brother; he falsely identified himself and
25 provided a false birthdate to the officer. The officer was unable to verify the driver's identify-
26 cation through CLETS¹, the Department of Motor Vehicles, and the Department of Justice Cal-

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28 ¹ CLETS refers to the California Law Enforcement Telecommunications System.

1 Photo communications network database. When confronted with this, Respondent admitted that
2 he had lied to the officer and that he had no driver's license. Respondent was arrested and
3 charged with violating Penal Code section 148.9, subdivision (a) [false representation of another
4 to a peace officer]. The driver also admitted that he had a prior conviction for driving under the
5 influence and was not allowed to operate a motor vehicle; he provided his true identity, that is, the
6 Respondent. A driver's license status check on Respondent revealed that his license was
7 suspended and that he was restricted to operating a vehicle equipped with an ignition interlock
8 device. The vehicle driven by Respondent on or about September 2, 2014, did not have an
9 ignition interlock device.

10 14. On or about September 2, 2014, after arresting Respondent, the officer conducted an
11 inventory of the vehicle and found a small zippered bag containing a glass pipe with burnt
12 Marijuana residue as well as a plastic baggie containing Marijuana. The Marijuana was later
13 weighed and determined to be 1.0 grams. The officer also found a plastic container with a plastic
14 baggie containing a black tar-like substance that the officer recognized as Heroin. The Heroin
15 was later weighed and determined to be 0.8 grams and was confirmed as Heroin pursuant to a
16 NARK test kit. Respondent admitted to the officer that the Heroin and Marijuana belonged to
17 him, that he started using Heroin approximately six months prior to the September 2, 2014, stop,
18 that he is addicted to Heroin, and that he only smokes the Heroin.

19 **FIRST CAUSE FOR DISCIPLINE**

20 **(Self-Administration of a Controlled Substance)**

21 15. Respondent is subject to disciplinary action on the grounds of unprofessional conduct
22 pursuant to section 4301, subdivision (h), in that in and between April and September 2014,
23 Respondent self-administered the controlled substance Heroin, and used Heroin to an extent or in
24 a manner dangerous or injuries to himself, others and/or the public, as set forth in paragraphs 13
25 and 14, above, incorporated herein by reference.

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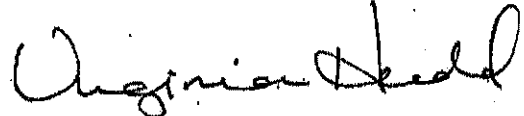
1 The Board considered the underlying circumstances of Respondent's June 17, 2013, arrest
2 and July 30, 2013, conviction prior to issuing Pharmacy Technician Registration No. TCH
3 133006 to Respondent on or about November 20, 2013.

4 **PRAYER**

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

- 7 1. Revoking or suspending Pharmacy Technician Registration Number TCH 133006,
8 issued to Taras Parashchak;
- 9 2. Ordering Taras Parashchak to pay the Board of Pharmacy the reasonable costs of the
10 investigation and enforcement of this case, pursuant to Business and Professions Code section
11 125.3; and
- 12 3. Taking such other and further action as deemed necessary and proper.

13
14 DATED: 3/21/16



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

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