



California State Board of Pharmacy
 1625 N. Market Blvd, N219, Sacramento, CA 95834
 Phone: (916) 574-7900
 Fax: (916) 574-8618
 www.pharmacy.ca.gov

BUSINESS, CONSUMER SERVICES AND HOUSING AGENCY
 DEPARTMENT OF CONSUMER AFFAIRS
 GOVERNOR EDMUND G. BROWN JR.

APPLICATION FOR VOLUNTARY SURRENDER OF PHARMACY TECHNICIAN LICENSE

PLEASE PRINT IN BLACK OR BLUE INK OR TYPE YOUR RESPONSES

Name: <u>Jeffrey Muralles</u>	Case No. <u>AC201600591200</u>
Address of Record: <u>9958 HAINES CANYON</u> <u>TUJUNGA CA 91042</u>	

Pursuant to the terms and conditions of my probation with the California State Board of Pharmacy (Board) in Case No. AC201600591200, I hereby request to surrender my pharmacy technician license, License No. 83683. The Board or its designee shall have the discretion whether to grant the request for surrender or take any other action it deems appropriate and reasonable. Upon formal acceptance of the surrender of the license, I will no longer be subject to the terms and conditions of probation. I understand that this surrender constitutes a record of discipline and shall become a part of my license history with the Board.

Upon the acceptance of the surrender, I shall relinquish my pharmacy technician license to the Board within ten (10) days of notification by the Board that the surrender is accepted. I understand that I may not reapply for any license, permit, or registration from the board for three (3) years from the effective date of the surrender. I further understand that I shall meet all requirements applicable to the license sought as of the date the application for that license is submitted to the Board.

PLEASE BE ADVISED THAT YOU ARE NOT RELIEVED OF THE REQUIREMENTS OF YOUR PROBATION UNLESS THE BOARD NOTIFIES YOU THAT YOUR REQUEST TO SURRENDER YOUR LICENSE HAS BEEN ACCEPTED.

[Signature]
 Applicant's Signature

[Signature]
 Executive Officer's Approval

3/28/18
 Date

3/29/18
 Date

All items on this application are mandatory in accordance with your probationary order and the Board's Disciplinary Guidelines as authorized by Title 16, California Code of Regulations section 1760. Failure to provide any of the requested information or providing unreadable information will result in the application being rejected as incomplete. The information provided on this form will be used to determine eligibility for surrender. The official responsible for information maintenance is the Executive Officer, telephone (916) 574-7900, 1625 N. Market Blvd., Suite N-219, Sacramento, CA 95834. The information you provide may also be disclosed in the following circumstances: (1) in response to a Public Records Act request; (2) to another government agency as required by state or federal law; or, (3) in response to a court or administrative order, a subpoena, or a search warrant. Each individual has the right to review the files or records maintained on them by our agency, unless the records are identified as confidential information and exempted by Section 1798.40 of the Civil Code.

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

In the Matter of the Accusation Against:

JEFFREY MURALLES
9958 Haines Canyon
Tujunga, CA 91042

**Pharmacy Technician Registration No. TCH
83683**

Respondent.

Case No. 5912

OAH No. 2017100032

DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Board of Pharmacy, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective at 5:00 p.m. on March 28, 2018.

It is so ORDERED on February 26, 2018.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA



By

Amy Gutierrez, Pharm.D.
Board President

1 XAVIER BECERRA
Attorney General of California
2 SHAWN P. COOK
Supervising Deputy Attorney General
3 NATALIA MATUSIK
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7 *Attorneys for Complainant*

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

11 In the Matter of the Accusation Against:

Case No. 5912

12 **JEFFREY MURALLES**
13 **9958 Haines Canyon**
Tujunga, CA 91042

OAH No. 2017100032

14 **Pharmacy Technician Registration No. TCH**
15 **83683**

STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER

16 Respondent.

17
18 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-
19 entitled proceedings that the following matters are true:

20 PARTIES

21 1. Virginia K. Herold (Complainant) is the Executive Officer of the California State
22 Board of Pharmacy. She brought this action solely in her official capacity and is represented in
23 this matter by Xavier Becerra, Attorney General of the State of California, by Natalia Matusik,
24 Deputy Attorney General.

25 2. Respondent Jeffrey Muralles (Respondent) is represented in this proceeding by
26 attorney David J. Givot, whose address is: 3780 Kilroy Airport Way, Suite 200
27 Long Beach, CA 90806.

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1 distributor of drugs) any drug manufacturer, or any other location where dangerous drugs and
2 devices or controlled substances are maintained. Respondent shall not do any act involving drug
3 selection, selection of stock, manufacturing, compounding or dispensing; nor shall respondent
4 manage, administer, or assist any licensee of the board. Respondent shall not have access to or
5 control the ordering, manufacturing or dispensing of dangerous drugs and devices or controlled
6 substances. Respondent shall not resume work until notified by the board.

7 Subject to the above restrictions, respondent may continue to own or hold an interest in any
8 licensed premises by the board in which he holds an interest at the time this decision becomes
9 effective unless otherwise specified in this order.

10 Failure to comply with this suspension shall be considered a violation of probation.

11 **2. Obey All Laws**

12 Respondent shall obey all state and federal laws and regulations.

13 Respondent shall report any of the following occurrences to the board, in writing, within
14 seventy-two (72) hours of such occurrence:

- 15 an arrest or issuance of a criminal complaint for violation of any provision of the
16 Pharmacy Law, state and federal food and drug laws, or state and federal controlled
17 substances laws
- 18 a plea of guilty or nolo contendere in any state or federal criminal proceeding to any
19 criminal complaint, information or indictment
- 20 a conviction of any crime
- 21 discipline, citation, or other administrative action filed by any state or federal agency
22 which involves respondent's pharmacy technician's license or which is related to the
23 practice of pharmacy or the manufacturing, obtaining, handling, distributing, billing,
24 or charging for any drug, device or controlled substance.

25 Failure to timely report any such occurrence shall be considered a violation of probation.

26 **3. Report to the Board**

27 Respondent shall report to the board quarterly, on a schedule as directed by the board or its
28 designee. The report shall be made either in person or in writing, as directed. Among other

1 requirements, respondent shall state in each report under penalty of perjury whether there has
2 been compliance with all the terms and conditions of probation. Failure to submit timely reports
3 in a form as directed shall be considered a violation of probation. Any period(s) of delinquency
4 in submission of reports as directed may be added to the total period of probation. Moreover, if
5 the final probation report is not made as directed, probation shall be automatically extended until
6 such time as the final report is made and accepted by the board.

7 **4. Interview with the Board**

8 Upon receipt of reasonable prior notice, respondent shall appear in person for interviews
9 with the board or its designee, at such intervals and locations as are determined by the board or its
10 designee. Failure to appear for any scheduled interview without prior notification to board staff,
11 or failure to appear at two (2) or more scheduled interviews with the board or its designee during
12 the period of probation, shall be considered a violation of probation.

13 **5. Cooperate with Board Staff**

14 Respondent shall cooperate with the board's inspection program and with the board's
15 monitoring and investigation of respondent's compliance with the terms and conditions of his
16 probation. Failure to cooperate shall be considered a violation of probation.

17 **6. Notice to Employers**

18 During the period of probation, respondent shall notify all present and prospective
19 employers of the decision in case number 5912 and the terms, conditions and restrictions imposed
20 on respondent by the decision, as follows:

21 Within thirty (30) days of the effective date of this decision, and within fifteen (15) days of
22 respondent undertaking any new employment, respondent shall cause his direct supervisor,
23 pharmacist-in-charge (including each new pharmacist-in-charge employed during respondent's
24 tenure of employment) and owner to report to the board in writing acknowledging that the listed
25 individual(s) has/have read the decision in case number 5912 and the terms and conditions
26 imposed thereby. It shall be respondent's responsibility to ensure that his employer(s) and/or
27 supervisor(s) submit timely acknowledgement(s) to the board.

28 If respondent works for or is employed by or through a pharmacy employment service,

1 respondent must notify his direct supervisor, pharmacist-in-charge and owner at every pharmacy
2 of the terms and conditions of the decision in case number 5912 in advance of the respondent
3 commencing work at each pharmacy. A record of this notification must be provided to the board
4 upon request.

5 Furthermore, within thirty (30) days of the effective date of this decision, and within fifteen
6 (15) days of respondent undertaking any new employment by or through a pharmacy employment
7 service, respondent shall cause his direct supervisor with the pharmacy employment service to
8 report to the board in writing acknowledging that he has read the decision in case number 5912
9 and the terms and conditions imposed thereby. It shall be respondent's responsibility to ensure
10 that his employer(s) and/or supervisor(s) submit timely acknowledgment(s) to the board.

11 Failure to timely notify present or prospective employer(s) or to cause that/those
12 employer(s) to submit timely acknowledgements to the board shall be considered a violation of
13 probation.

14 "Employment" within the meaning of this provision shall include any full-time,
15 part-time, temporary or relief service or pharmacy management service as a pharmacy
16 technician or in any position for which a pharmacy technician license is a requirement
17 or criterion for employment, whether the respondent is considered an employee,
18 independent contractor or volunteer.

19 **7. Reimbursement of Board Costs**

20 As a condition precedent to successful completion of probation, respondent shall pay to the
21 board its costs of investigation and prosecution in the amount of \$3,015. If a payment schedule is
22 provided, there shall be no deviation from this schedule absent prior written approval by the
23 board or its designee. Failure to pay costs by the deadline(s) as directed shall be considered a
24 violation of probation.

25 The filing of bankruptcy by respondent shall not relieve respondent of his responsibility to
26 reimburse the board its costs of investigation and prosecution.

27 **8. Probation Monitoring Costs**

28 Respondent shall pay any costs associated with probation monitoring as determined by the

1 board each and every year of probation. Such costs shall be payable to the board on a schedule as
2 directed by the board or its designee. Failure to pay such costs by the deadline(s) as directed shall
3 be considered a violation of probation.

4 **9. Status of License**

5 Respondent shall, at all times while on probation, maintain an active, current pharmacy
6 technician license with the board, including any period during which suspension or probation is
7 tolled. Failure to maintain an active, current license shall be considered a violation of probation.

8 If respondent's pharmacy technician license expires or is cancelled by operation of law or
9 otherwise at any time during the period of probation, including any extensions thereof due to
10 tolling or otherwise, upon renewal or reapplication respondent's license shall be subject to all
11 terms and conditions of this probation not previously satisfied.

12 **10. License Surrender While on Probation/Suspension**

13 Following the effective date of this decision, should respondent cease work due to
14 retirement or health, or be otherwise unable to satisfy the terms and conditions of probation,
15 respondent may tender his pharmacy technician license to the board for surrender. The board or
16 its designee shall have the discretion whether to grant the request for surrender or take any other
17 action it deems appropriate and reasonable. Upon formal acceptance of the surrender of the
18 license, respondent will no longer be subject to the terms and conditions of probation. This
19 surrender constitutes a record of discipline and shall become a part of the respondent's license
20 history with the board.

21 Upon acceptance of the surrender, respondent shall relinquish his pharmacy technician
22 license to the board within ten (10) days of notification by the board that the surrender is
23 accepted. Respondent may not reapply for any license, permit, or registration from the board for
24 three (3) years from the effective date of the surrender. Respondent shall meet all requirements
25 applicable to the license sought as of the date the application for that license is submitted to the
26 board.

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1 **11. Notification of a Change in Name, Residence Address, Mailing Address or**
2 **Employment**

3 Respondent shall notify the board in writing within ten (10) days of any change of
4 employment. Said notification shall include the reasons for leaving, the address of the new
5 employer, the name of the supervisor and owner, and the work schedule if known. Respondent
6 shall further notify the board in writing within ten (10) days of a change in name, residence
7 address and mailing address, or phone number.

8 Failure to timely notify the board of any change in employer(s), name(s), address(es), or
9 phone number(s) shall be considered a violation of probation.

10 **12. Tolling of Probation**

11 Except during periods of suspension, respondent shall, at all times while on probation, be
12 employed as a pharmacy technician in California for a minimum of 40 hours per calendar month.
13 Any month during which this minimum is not met shall toll the period of probation, i.e., the
14 period of probation shall be extended by one month for each month during which this minimum is
15 not met. During any such period of tolling of probation, respondent must nonetheless comply
16 with all terms and conditions of probation.

17 Should respondent, regardless of residency, for any reason (including vacation) cease
18 working as a pharmacy technician for a minimum of 40 hours per calendar month in California,
19 respondent must notify the board in writing within ten (10) days of cessation of work and must
20 further notify the board in writing within ten (10) days of the resumption of the work. Any
21 failure to provide such notification(s) shall be considered a violation of probation.

22 It is a violation of probation for respondent's probation to remain tolled pursuant to the
23 provisions of this condition for a total period, counting consecutive and non-consecutive months,
24 exceeding thirty-six (36) months.

25 "Cessation of work" means calendar month during which respondent is not
26 working for at least 40 hours as a pharmacy technician, as defined in Business and
27 Professions Code section 4115. "Resumption of work" means any calendar month
28 during which respondent is working as a pharmacy technician for at least 40 hours as
 a pharmacy technician as defined by Business and Professions Code section 4115.

1 **13. Violation of Probation**

2 If a respondent has not complied with any term or condition of probation, the board shall
3 have continuing jurisdiction over respondent, and probation shall automatically be extended, until
4 all terms and conditions have been satisfied or the board has taken other action as deemed
5 appropriate to treat the failure to comply as a violation of probation, to terminate probation, and
6 to impose the penalty that was stayed.

7 If respondent violates probation in any respect, the board, after giving respondent notice
8 and an opportunity to be heard, may revoke probation and carry out the disciplinary order that
9 was stayed. Notice and opportunity to be heard are not required for those provisions stating that a
10 violation thereof may lead to automatic termination of the stay and/or revocation of the license. If
11 a petition to revoke probation or an accusation is filed against respondent during probation, the
12 board shall have continuing jurisdiction, and the period of probation shall be automatically
13 extended until the petition to revoke probation or accusation is heard and decided.

14 **14. Completion of Probation**

15 Upon written notice by the board indicating successful completion of probation,
16 respondent's pharmacy technician license will be fully restored.

17 **15. No Ownership of Licensed Premises**

18 Respondent shall not own, have any legal or beneficial interest in, or serve as a manager,
19 administrator, member, officer, director, trustee, associate, or partner of any business, firm,
20 partnership, or corporation currently or hereinafter licensed by the board. Respondent shall sell
21 or transfer any legal or beneficial interest in any entity licensed by the board within ninety (90)
22 days following the effective date of this decision and shall immediately thereafter provide written
23 proof thereof to the board. Failure to timely divest any legal or beneficial interest(s) or provide
24 documentation thereof shall be considered a violation of probation.

25 Respondent shall not acquire any new ownership, legal or beneficial interest nor serve as a
26 manager, administrator, member, officer, director, trustee, associate, or partner of any additional
27 business, firm, partnership, or corporation licensed by the board. If respondent currently owns or
28 has any legal or beneficial interest in, or serve as a manager, administrator, member, officer,

1 director, trustee, associate, or partner of any business, firm, partnership, or corporation currently
2 or hereinafter licensed by the board, respondent may continue to serve in such capacity or hold
3 that interest, but only to the extent of that position or interest as of the effective of this decision.
4 Violation of this restriction shall be considered a violation of probation.

5 **16. Attend Substance Abuse Recovery Relapse Prevention and Support Groups**

6 Within thirty (30) days of the effective date of this decision, respondent shall begin regular
7 attendance at a recognized and established substance abuse recovery support group in California,
8 (e.g., Alcoholics Anonymous, Narcotics Anonymous, etc.) which has been approved by the board
9 or its designee. Respondent must attend at least one group meeting per week unless otherwise
10 directed by the board or its designee. Respondent shall continue regular attendance and submit
11 signed and dated documentation confirming attendance with each quarterly report for the duration
12 of probation. Failure to attend or submit documentation thereof shall be considered a violation of
13 probation.

14 **17. Random Drug Screening**

15 Respondent, at his own expense, shall participate in random testing, including but not
16 limited to biological fluid testing (urine, blood), breathalyzer, hair follicle testing, or other drug
17 screening program as directed by the board or its designee. Respondent may be required to
18 participate in testing for the entire probation period and the frequency of testing will be
19 determined by the board or its designee. At all times respondent shall fully cooperate with the
20 board or its designee, and shall, when directed, submit to such tests and samples for the detection
21 of alcohol, narcotics, hypnotics, dangerous drugs or other controlled substances as the board or its
22 designee may direct. Failure to timely submit to testing as directed shall be considered a violation
23 of probation. Upon request of the board or its designee, respondent shall provide documentation
24 from a licensed practitioner that the prescription for a detected drug was legitimately issued and is
25 a necessary part of the treatment of the respondent. Failure to timely provide such documentation
26 shall be considered a violation of probation. Any confirmed positive test for alcohol or for any
27 drug not lawfully prescribed by a licensed practitioner as part of a documented medical treatment
28 shall be considered a violation of probation and shall result in the automatic suspension of work

1 by respondent. Respondent may not resume work as a pharmacy technician until notified by the
2 board in writing.

3 During suspension, respondent shall not enter any pharmacy area or any portion of or any
4 other board licensed premises (wholesaler, veterinary food-animal drug retailer or any other
5 distributor of drugs) any drug manufacturer, or any other location where dangerous drugs and
6 devices or controlled substances are maintained. Respondent shall not do any act involving drug
7 selection, selection of stock, manufacturing, compounding or dispensing; nor shall respondent
8 manage, administer, or assist any licensee of the board. Respondent shall not have access to or
9 control the ordering, manufacturing or dispensing of dangerous drugs and devices or controlled
10 substances. Respondent shall not resume work until notified by the board.

11 Respondent shall not direct, control or perform any aspect of the practice of pharmacy.
12 Subject to the above restrictions, respondent may continue to own or hold an interest in any
13 licensed premises in which he holds an interest at the time this decision becomes effective unless
14 otherwise specified in this order.

15 Failure to comply with this suspension shall be considered a violation of probation.

16 **18. Work Site Monitor**

17 Within ten (10) days of the effective date of this decision, respondent shall identify a work
18 site monitor, for prior approval by the board, who shall be responsible for supervising respondent
19 during working hours. Respondent shall be responsible for ensuring that the work site monitor
20 reports in writing to the board quarterly. Should the designated work site monitor determine at
21 any time during the probationary period that respondent has not maintained sobriety, he shall
22 notify the board immediately, either orally or in writing as directed. Should respondent change
23 employment, a new work site monitor must be designated, for prior approval by the board, within
24 ten (10) days of commencing new employment. Failure to identify an acceptable initial or
25 replacement work site monitor, or to ensure quarterly reports are submitted to the board, shall be
26 considered a violation of probation.

27 **19. Notification of Departure**

28 Prior to leaving the probationary geographic area designated by the board or its designee for

1 a period greater than twenty-four (24) hours, respondent shall notify the board verbally and in
2 writing of the dates of departure and return. Failure to comply with this provision shall be
3 considered a violation of probation.

4 **20. Abstain from Drugs and Alcohol Use**

5 Respondent shall completely abstain from the possession or use of alcohol, controlled
6 substances, dangerous drugs and their associated paraphernalia except when the drugs are
7 lawfully prescribed by a licensed practitioner as part of a documented medical treatment. Upon
8 request of the board or its designee, respondent shall provide documentation from the licensed
9 practitioner that the prescription for the drug was legitimately issued and is a necessary part of the
10 treatment of the respondent. Failure to timely provide such documentation shall be considered a
11 violation of probation. Respondent shall ensure that he is not in the same physical location as
12 individuals who are using illicit substances even if respondent is not personally ingesting the
13 drugs. Any possession or use of alcohol, controlled substances, or their associated paraphernalia
14 not supported by the documentation timely provided, and/or any physical proximity to persons
15 using illicit substances, shall be considered a violation of probation.

16 **21. Prescription Coordination and Monitoring of Prescription Use**

17 Within thirty (30) days of the effective date of this decision, respondent shall submit to the
18 board, for its prior approval, the name and qualifications of a single physician, nurse practitioner,
19 physician assistant, or psychiatrist of respondent's choice, who shall be aware of the respondent's
20 history [with the use of alcohol, controlled substances, and/or dangerous drugs, and/or of mental
21 illness, and/or of gambling addiction] and who will coordinate and monitor any prescriptions for
22 respondent for dangerous drugs, controlled substances or mood-altering drugs. The approved
23 practitioner shall be provided with a copy of the board's [accusation or petition to revoke
24 probation] and decision. A record of this notification must be provided to the board upon request.
25 Respondent shall sign a release authorizing the practitioner to communicate with the board about
26 respondent's treatment(s). The coordinating physician, nurse practitioner, physician assistant, or
27 psychiatrist shall report to the board on a quarterly basis for the duration of probation regarding
28 respondent's compliance with this condition. If any substances considered addictive have been

1 prescribed, the report shall identify a program for the time limited use of any such substances.
2 The board may require that the single coordinating physician, nurse practitioner, physician
3 assistant or psychiatrist be a specialist in addictive medicine, or consult a specialist in addictive
4 medicine. Should respondent, for any reason, cease supervision by the approved practitioner,
5 respondent shall notify the board immediately and; within thirty (30) days of ceasing treatment,
6 submit the name of a replacement physician, nurse practitioner, physician assistant, or psychiatrist
7 of respondent's choice to the board or its designee for its prior approval. Failure to timely submit
8 the selected practitioner or replacement practitioner to the board for approval, or to ensure the
9 required reporting thereby on the quarterly reports, shall be considered a violation of probation. If
10 at any time an approved practitioner determines that respondent is unable to practice safely or
11 independently as a pharmacist, the practitioner shall notify the board immediately by telephone
12 and follow up by written letter within three (3) working days. Upon notification from the board or
13 its designee of this determination, respondent shall be automatically suspended and shall not
14 resume practice until notified by the board that practice may be resumed. During suspension,
15 respondent shall not enter any pharmacy area or any portion of the licensed premises of a
16 wholesaler, veterinary food-animal drug retailer or any other distributor of drugs which is
17 licensed by the board, or any manufacturer, or where dangerous drugs and devices or controlled
18 substances are maintained. Respondent shall not practice pharmacy nor do any act involving drug
19 selection, selection of stock, manufacturing, compounding, dispensing or patient consultation; nor
20 shall respondent manage, administer, or be a consultant to any licensee of the board, or have
21 access to or control the ordering, manufacturing or dispensing of dangerous drugs and controlled
22 substances. Respondent shall not resume practice until notified by the board. During suspension,
23 respondent shall not engage in any activity that requires the professional judgment of a
24 pharmacist. Respondent shall not direct or control any aspect of the practice of pharmacy.
25 Respondent shall not perform the duties of a pharmacy technician or a designated representative
26 for any entity licensed by the board. Subject to the above restrictions, respondent may continue to
27 own or hold an interest in any licensed premises in which he or she holds an interest at the time
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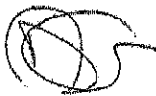
this decision becomes effective unless otherwise specified in this order. Failure to comply with this suspension shall be considered a violation of probation.

ACCEPTANCE

I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully discussed it with my attorney, David J. Givot. I understand the stipulation and the effect it will have on my Pharmacy Technician Registration, I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the California State Board of Pharmacy.

DATED: 1/22/18 
JEFFREY MURALLES
Respondent

I have read and fully discussed with Respondent Jeffrey Muralles the terms and conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve its form and content.

DATED: 01/22/2018 
DAVID J. GIVOT
Attorney for Respondent

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ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the California State Board of Pharmacy.

Dated: 1-22-18

Respectfully submitted,

XAVIER BECERRA
Attorney General of California
SHAWN P. COOK
Supervising Deputy Attorney General


NATALIA MATUSIK
Deputy Attorney General
Attorneys for Complainant

LA2016602326
Jeffrey Muralles Stip and Disciplinary Order after revisions 1-19-18.docx

Exhibit A

Accusation No. 5912

1 KAMALA D. HARRIS
Attorney General of California
2 LINDA K. SCHNEIDER
Senior Assistant Attorney General
3 THOMAS L. RINALDI
Supervising Deputy Attorney General
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5 Los Angeles, CA 90013
Telephone: (213) 897-2541
6 Facsimile: (213) 897-2804

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:

Case No. 5912

12 **JEFFREY MURALLES**
13 9958 Haines Canyon
Tujunga, CA 91042

A C C U S A T I O N

14 Pharmacy Technician Registration
15 No. TCH 83683

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 (Board), Department of Consumer Affairs.

22 2. On or about June 2, 2008, the Board issued Pharmacy Technician Registration No.
23 TCH 83683 to Jeffrey Muralles (Respondent). The Pharmacy Technician Registration was in full
24 force and effect at all times relevant to the charges brought herein and will expire on May 31,
25 2018, unless renewed.

26 **JURISDICTION**

27 3. This Accusation is brought before the Board under the authority of the following laws.

28 All section references are to the Business and Professions Code unless otherwise indicated.

1 (commencing with Section 801) of Title 21 of the United States Code regulating controlled
2 substances or of a violation of the statutes of this state regulating controlled substances or
3 dangerous drugs shall be conclusive evidence of unprofessional conduct. In all other cases, the
4 record of conviction shall be conclusive evidence only of the fact that the conviction occurred.
5 The board may inquire into the circumstances surrounding the commission of the crime, in order to
6 fix the degree of discipline or, in the case of a conviction not involving controlled substances or
7 dangerous drugs, to determine if the conviction is of an offense substantially related to the
8 qualifications, functions, and duties of a licensee under this chapter. A plea or verdict of guilty or
9 a conviction following a plea of nolo contendere is deemed to be a conviction within the meaning
10 of this provision. The board may take action when the time for appeal has elapsed, or the
11 judgment of conviction has been affirmed on appeal or when an order granting probation is made
12 suspending the imposition of sentence, irrespective of a subsequent order under Section 1203.4 of
13 the Penal Code allowing the person to withdraw his or her plea of guilty and to enter a plea of not
14 guilty, or setting aside the verdict of guilty, or dismissing the accusation, information, or
15 indictment."

16 **REGULATORY PROVISIONS**

17 8. California Code of Regulations, title 16, section 1770, states:

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

24 **COST RECOVERY**

25 9. Section 125.3 provides, in pertinent part, that the Board may request the
26 administrative law judge to direct a licentiate found to have committed a violation or violations of
27 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
28 enforcement of the case, with failure of the licentiate to comply subjecting the license to not being

1 renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be
2 included in a stipulated settlement.

3 **FIRST CAUSE FOR DISCIPLINE**

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

5 10. Respondent is subject to disciplinary action under section 4301, subdivision (I), in
6 conjunction with, California Code of Regulations, title 16, section 1770, on the grounds of
7 unprofessional conduct, in that the Respondent was convicted of a crime substantially related to
8 the qualifications, functions, and duties of a pharmacy technician, as follows:

9 a. On or about March 4, 2016, after pleading nolo contendere, Respondent was
10 convicted of one misdemeanor count of violating Vehicle Code section 23152, subdivision (b) and
11 23540 [driving while having 0.08% or more, by weight, of alcohol in his blood within 10 years of
12 another DUI offense], one misdemeanor count of violating Vehicle Code section 14601.2,
13 subdivision (a) [driving while driving privileges are suspended or revoked with knowledge], and
14 one misdemeanor count of violating Vehicle Code section 23247, subdivision (e) [driving a vehicle
15 not equipped with an ignition interlock device] in the criminal proceeding entitled *The People of*
16 *the State of California v. Jeffrey O'Brien Muralles* (Super. Ct. LA County, 2016, No.
17 5GN04464). The Court sentenced Respondent to serve 30 days in jail and placed him on 3 years
18 probation, with terms and conditions. Respondent was also ordered to complete an 18-month
19 licensed second offender alcohol program, complete the Hospital and Morgue Program, the Victim
20 Impact Program, and install an ignition interlock device.

21 b. The circumstances surrounding the conviction are that on or about October 3, 2015,
22 California Highway Patrol officers initiated a traffic enforcement stop and contacted Respondent.
23 While speaking to Respondent, the officer could smell the odor of alcohol emitting from the
24 vehicle and observed Respondent to have to have red watery eyes. When asked if he had
25 consumed any alcohol, Respondent admitted to drinking two glasses of Hennessey and Coke prior
26 to driving. Respondent submitted to a series of field sobriety tests which he was unable to
27 complete as demonstrated. A records check revealed that Respondent's license was suspended.

28 ///

1 During the booking procedure, Respondent submitted to a blood test that revealed a blood alcohol
2 content level of 0.16%.

3 **SECOND CAUSE FOR DISCIPLINE**

4 **(Alcohol Related Convictions)**

5 11. Respondent is subject to disciplinary action under section 4301, subdivision (k), on the
6 grounds of unprofessional conduct, in that on or about March 4, 2016, Respondent sustained a
7 criminal conviction involving the consumption of alcohol. Complainant refers to, and by this
8 reference incorporates, the allegations set forth above in paragraph 10, as though fully set forth
9 herein.

10 **THIRD CAUSE FOR DISCIPLINE**

11 **(Dangerous Use of Alcohol)**

12 12. Respondent is subject to disciplinary action under sections 4301, subdivision (h), on
13 the grounds of unprofessional conduct, in that, on or about October 3, 2015, Respondent used
14 alcoholic beverages to an extent or in a manner dangerous or injurious to himself, any person, or
15 the public when he operated a vehicle after consuming alcohol. Complainant refers to, and by this
16 reference incorporates, the allegations set forth above in paragraph 10, as though fully set forth
17 herein.

18 **DISCIPLINE CONSIDERATIONS**

19 13. To determine the degree of discipline, if any, to be imposed on Respondent,
20 Complainant alleges, as follows;

21 a. On or about October 9, 2015, the Board issued Citation No. CI 2014 62604 to
22 Respondent in the amount of \$600.00, on the grounds of unprofessional conduct for violating
23 section 4301, subdivisions (h) and (l) when he was arrested on August 30, 2014 for driving under
24 the influence of alcohol and was subsequently convicted on April 7, 2015. That Citation is now
25 final and is incorporated by reference as if fully set forth.

26 b. The facts and circumstances underlying Citation and Fine No. CI 2008 38675 are that
27 on or about April 7, 2015, after pleading nolo contendere, Respondent was convicted of one
28 misdemeanor count of violating Vehicle Code section 23152, subdivision (b) [driving while having

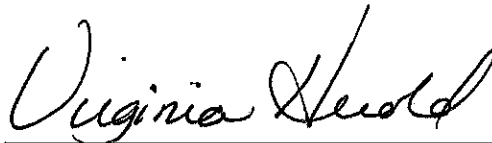
1 0.08% or more, by weight, of alcohol in his blood] in the criminal proceeding entitled *The People*
2 *of the State of California v. Jeffrey Obrien Muralles* (Super. Ct. L.A. County, 2015, No.
3 4PS03430). The Court ordered Respondent to enroll and complete a 3-month licensed first
4 offender alcohol program, and placed him on 3 years probation, with terms and conditions. The
5 circumstances surrounding the conviction are that on or about August 30, 2014, California
6 Highway Patrol officers initiated a traffic enforcement stop after observing Respondent drive at a
7 high rate of speed. While speaking to Respondent, the officer could smell the odor of alcohol
8 emitting from the vehicle. Respondent was observed to have red watery eyes, and his speech was
9 slurred. Respondent admitted to having a few drinks prior to driving. Respondent submitted to a
10 series of field sobriety tests which he was unable to complete as demonstrated. While at the scene,
11 Respondent submitted to a preliminary alcohol screening test that revealed a blood alcohol content
12 level of 0.15% on the first reading and 0.14% on the second reading.

13 **PRAYER**

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

- 16 1. Revoking or suspending Pharmacy Technician Registration No. TCH 83683, issued to
17 Jeffrey Muralles;
- 18 2. Ordering Jeffrey Muralles to pay the Board of Pharmacy the reasonable costs of the
19 investigation and enforcement of this case, pursuant to Business and Professions Code section
20 125.3; and,
- 21 3. Taking such other and further action as deemed necessary and proper.

22
23
24 DATED: 11/3/16



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

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