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

In the Matter of the Accusation Against:
ARTHUR BELTRAN, JR.
1326 North Braeburn St.
Anaheim, CA 92801

Pharmacy Technician Registration No. TCH
147658

Respondent.

Case No. 5943
DEFAULT DECISION AND ORDER
[Gov. Code, §11520]

FINDINGS OF FACT

1. On November 28, 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. 5943 against Arthur Beltran, Jr. (Respondent) before the Board. (Accusation attached as Exhibit A.)
2. On April 2, 2015, the Board issued Pharmacy Technician Registration No. TCH 147658 to Respondent. The Pharmacy Technician Registration expired on May 31, 2016, and has not been renewed.
3. On December 7, 2016, Respondent was served by Certified and First Class Mail copies of Accusation No. 5943, Statement to Respondent, Notice of Defense, Request for Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6, and 11507.7) at Respondent's address of record which, pursuant to Business and Professions Code (Code)

1 section 4100, is required to be reported and maintained with the Board. Respondent's address of
2 record was and is 1326 North Braeburn St., Anaheim, CA 92801.

3 4. Service of the Accusation was effective as a matter of law under the provisions of
4 Government Code section 11505, subdivision (c) and Code section 124.

5 5. On December 12, 2016, the Domestic Return Receipt for the aforementioned
6 documents was returned by the U.S. Postal Service indicating Respondent's signature and receipt
7 on December 10, 2016.

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

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

14 7. Respondent failed to file a Notice of Defense within 15 days after service upon
15 him of the Accusation, and therefore waived his right to a hearing on the merits of Accusation
16 No. 5943.

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

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

22 9. Pursuant to its authority under Government Code section 11520, the Board finds
23 Respondent is in default. The Board will take action without further hearing and, based on the
24 relevant evidence contained in the Default Decision Evidence Packet in this matter, as well as
25 taking official notice of all the investigatory reports, exhibits and statements contained therein on
26 file at the Board's offices regarding the allegations contained in Accusation No. 5943, finds that
27 the charges and allegations in Accusation No. 5943, are separately and severally, found to be true
28 and correct by clear and convincing evidence.

10 10. Taking official notice of its own internal records, pursuant to Code section 125.3,
11 it is hereby determined that the reasonable costs for Investigation and Enforcement is \$2,235.00
12 as of January 4, 2017.

1 **DETERMINATION OF ISSUES**

2 1. Based on the foregoing findings of fact, Respondent Arthur Beltran, Jr. has
3 subjected his Pharmacy Technician Registration No. TCH 147658 to discipline.

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

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

8 a. Respondent has subjected his Pharmacy Technician Registration to
9 discipline under Code section 4301, subdivision (o), as provided in section 1775.1, subdivision
10 (d) of title 16 of the California Code of Regulations, in that on October 25, 2015, Respondent
11 failed to pay a fine of \$1,200.00 within 30 days after its imposition in Board Citation Number CI
12 2014 65380.

13 b. Respondent has subjected his Pharmacy Technician Registration to
14 discipline under Code sections 490 and 4301, subdivision (l), in that on June 7, 2016, in a
15 criminal proceeding entitled *The People of the State of California v. Arthur Junior Beltran, aka*
16 *Arthur Beltran Jr, aka Arthur Junior Beltran Jr, aka Arthur Beltran*, in the Orange County
17 Superior Court, North Justice Center, Case Number 15NM16455, Respondent was convicted on
18 his plea of guilty of violating Vehicle Code (VC) section 14601.2, subdivision (a), driving when
19 privilege to drive was suspended or revoked due to a prior DUI conviction, a misdemeanor
20 substantially related to the qualifications, functions, and duties of a registered pharmacy
21 technician.

22 c. Respondent has subjected his Pharmacy Technician Registration to
23 discipline under Code sections 490 and 4301, subdivision (l), in that on June 7, 2016, in a
24 criminal proceeding entitled *The People of the State of California v. Arthur Junior Beltran, aka*
25 *Arthur Beltran Jr, aka Arthur Junior Beltran Jr, aka Arthur Beltran*, in the Orange County
26 Superior Court, North Justice Center, Case Number 16NM08888, Respondent was convicted on
27 his plea of guilty of violating VC sections 23152, subdivision (e), driving under the influence
28 (DUI) of drugs, and 14601.2, subdivision (a), driving when privilege to drive was suspended due

1 to a prior DUI conviction, both misdemeanors, and Health and Safety Code section 11357,
2 subdivision (b), possession of 28.5 grams or less of marijuana, an infraction, all substantially
3 related to the qualifications, functions, and duties of a registered pharmacy technician.

4 d. Respondent has subjected his Pharmacy Technician Registration to
5 discipline under Code sections 490 and 4301, subdivision (l), in that on June 7, 2016, in a
6 criminal proceeding entitled *The People of the State of California vs. Arthur Junior Beltran, aka*
7 *Arthur Beltran Jr, aka Arthur Junior Beltran Jr, aka Arthur Beltran*, in the Orange County
8 Superior Court, North Justice Center, Case Number 16NM09035, Respondent was convicted on
9 his plea of guilty of violating VC sections 23152, subdivision (f), driving while under the
10 combined influence of alcohol and drugs, and 14601.2, subdivision (a), driving when privilege to
11 drive was suspended due to a prior DUI conviction, both misdemeanors substantially related to
12 the qualifications, functions, and duties of a registered pharmacy technician.

13 e. Respondent has subjected his Pharmacy Technician Registration to
14 discipline under Code section 4301, subdivision (h) in that on June 4, 2016, he used alcohol to
15 the extent and in a manner that was dangerous and injurious to himself and to the public, as
16 described in paragraph d, above, which is incorporated by reference.

17 f. Respondent has subjected his Pharmacy Technician Registration to
18 discipline under Code section 4301, subdivision (h) in that on March 7 and June 4, 2016, he used
19 drugs, to the extent and in a manner that was dangerous and injurious to himself and to the
20 public, as described in paragraphs c and d, above, which are incorporated by reference.

21 g. Respondent has subjected his Pharmacy Technician Registration to
22 discipline under Code section 4301, subdivision (k) in that on June 7, 2016, he was convicted of
23 more than one misdemeanor involving the use or consumption of alcohol and drugs, as detailed
24 in paragraphs c and d, above, which are incorporated by reference.

25 h. Respondent has subjected his Pharmacy Technician Registration to
26 discipline under Code sections 490 and 4301, subdivision (j), in that he violated VC section
27 23152, subdivisions (e) and (f), statutes of the State of California regulating controlled
28 substances. The circumstances are that Respondent operated a motor vehicle while under the

1 influence of drugs, on March 7, 2016, in Fullerton, California and on June 4, 2016, in Anaheim,
2 California, as detailed in paragraphs e and f, above, which are incorporated by reference.

3 i. Respondent has subjected his Pharmacy Technician Registration to
4 discipline under Code sections 490 and 4301, subdivision (j), in that he violated Health and
5 Safety Code section 11357, subdivision (b), a statute of the State of California regulating
6 controlled substances. The circumstances are that on March 7, 2016, Respondent was found in
7 possession of 28.5 grams or less of marijuana, in Fullerton, California, as detailed in paragraph c,
8 above, which is incorporated by reference.

9 **ORDER**

10 IT IS SO ORDERED that Pharmacy Technician Registration No. TCH 147658,
11 heretofore issued to Respondent Arthur Beltran, Jr., is revoked.

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

16 This Decision shall become effective at 5:00 p.m. on March 2, 2017.

17 It is so ORDERED on January 31, 2017.

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19 BOARD OF PHARMACY
20 DEPARTMENT OF CONSUMER AFFAIRS
21 STATE OF CALIFORNIA

22 

23
24 By _____

Amy Gutierrez, Pharm.D.
Board President

25
26 81546248.DOC
DOJ Matter ID:SD2016702109

27 Attachment:
28 Exhibit A: Accusation

Exhibit A

Accusation

(ARTHUR BELTRAN, JR.)

1 KAMALA D. HARRIS
Attorney General of California
2 LINDA K. SCHNEIDER
Senior Assistant Attorney General
3 GREGORY J. SALUTE
Supervising Deputy Attorney General
4 State Bar No. 164015
600 West Broadway, Suite 1800
5 San Diego, CA 92101
P.O. Box 85266
6 San Diego, CA 92186-5266
Telephone: (619) 738-9431
7 Facsimile: (619) 645-2061
Attorneys for Complainant

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

12 In the Matter of the Accusation Against:

Case No. 5943

13 **ARTHUR BELTRAN, JR.**
14 **1326 North Braeburn St.**
Anaheim, CA 92801

A C C U S A T I O N

15 **Pharmacy Technician Registration No. TCH 147658**

16 Respondent.

17
18 Complainant alleges:

19 **PARTIES**

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

23 2. On April 2, 2015, the Board issued Pharmacy Technician Registration Number
24 TCH 147658 to Arthur Beltran, Jr. (Respondent). Respondent has also been known as Arthur
25 Junior Beltran, Arthur Junior Beltran, Jr., and Arthur Beltran. The Pharmacy Technician
26 Registration expired on May 31, 2016, and has not been renewed.

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1 **JURISDICTION**

2 3. This Accusation is brought before the Board, under the authority of the following
3 laws. All section references are to the Business and Professions Code (Code) unless otherwise
4 indicated.

5 4. Code section 4300, subdivision (a), provides that every license issued by the
6 Board may be suspended or revoked.

7 5. Code section 4300.1 states:

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

12 6. Code section 4314 states, in pertinent part:

13 (a) The board may issue citations containing fines and orders of abatement
14 for any violation of Section 733, for any violation of this chapter or regulations
15 adopted pursuant to this chapter, or for any violation of Division 116
16 (commencing with Section 150200) of the Health and Safety Code, in accordance
17 with Sections 125.9, 148, and 4005 and the regulations adopted pursuant to those
18 sections.

17 (b) Where appropriate, a citation issued by the board, as specified in this
18 section, may subject the person or entity to whom the citation is issued to an
19 administrative fine.

19 ...

20 (d) Nothing in this section shall in any way limit the board from issuing a
21 citation, fine, and order of abatement pursuant to Section 4067 or Section 56.36 of
22 the Civil Code, and the regulations adopted pursuant to those sections.

22 **STATUTORY PROVISIONS**

23 7. Code section 482 states:

24 Each board under the provisions of this code shall develop criteria to
25 evaluate the rehabilitation of a person when:

26 (a) Considering the denial of a license by the board under Section 480; or

27 (b) Considering suspension or revocation of a license under Section 490.

28 Each board shall take into account all competent evidence of rehabilitation
furnished by the applicant or licensee.

1 8. Code section 490 provides, in pertinent part, that a board may suspend or revoke a
2 license on the ground that the licensee has been convicted of a crime substantially related to the
3 qualifications, functions, or duties of the business or profession for which the license was issued.

4 9. Code section 493 states:

5 Notwithstanding any other provision of law, successful completion of any
6 diversion program under the Penal Code, or successful completion of an alcohol
7 and drug problem assessment program under Article 5 (commencing with Section
8 23249.50) of Chapter 12 of Division 11 of the Vehicle Code, shall not prohibit
9 any agency established under Division 2 (commencing with Section 500) of this
10 code, or any initiative act referred to in that division, from taking disciplinary
11 action against a licensee or from denying a license for professional misconduct,
12 notwithstanding that evidence of that misconduct may be recorded in a record
13 pertaining to an arrest. This section shall not be construed to apply to any drug
14 diversion program operated by any agency established under Division 2
15 (commencing with Section 500) of this code, or any initiative act referred to in
16 that division.

12 10. Code section 4022 states

13 “Dangerous drug” or “dangerous device” means any drug or device unsafe
14 for self-use in humans or animals, and includes the following:

15 (a) Any drug that bears the legend: “Caution: federal law prohibits
16 dispensing without prescription,” “Rx only,” or words of similar import.

17 (b) Any device that bears the statement: “Caution: federal law restricts
18 this device to sale by or on the order of a _____,” “Rx only,” or words of
19 similar import, the blank to be filled in with the designation of the practitioner
20 licensed to use or order use of the device.

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

20 11. Code section 4301 states, in pertinent part:

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

24 ...

25 (h) The administering to oneself, of any controlled substance, or the use of
26 any dangerous drug or of alcoholic beverages to the extent or in a manner as to be
27 dangerous or injurious to oneself, to a person holding a license under this chapter,
28 or to any other person or to the public, or to the extent that the use impairs the
ability of the person to conduct with safety to the public the practice authorized by
the license.

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(k) The conviction of more than one misdemeanor or any felony involving the use, consumption, or self-administration of any dangerous drug or alcoholic beverage, or any combination of those substances.

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

...

(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.

(p) Actions or conduct that would have warranted denial of a license.

....

12. Health & Safety Code section 11054 states, in pertinent part:

(a) The controlled substances listed in this section are included in Schedule I.

...

(d) Hallucinogenic substances. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation, which contains any quantity of the following hallucinogenic substances, or which contains any of its salts, isomers, and salts of isomers whenever the existence of those salts, isomers, and salts of isomers is possible within the specific chemical designation (for purposes of this subdivision only, the term "isomer" includes the optical, position, and geometric isomers):

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...
(13) Marijuana.

...
(20) Tetrahydrocannabinols. Synthetic equivalents of the substances contained in the plant, or in the resinous extractives of Cannabis, sp. and/or synthetic substances, derivatives, and their isomers with similar chemical structure and pharmacological activity such as the following: delta 1 cis or trans tetrahydrocannabinol, and their optical isomers; delta 6 cis or trans tetrahydrocannabinol, and their optical isomers; delta 3,4 cis or trans tetrahydrocannabinol, and its optical isomers.

13. Health & Safety Code section 11057 states, in pertinent part:

(a) The controlled substances listed in this section are included in Schedule IV.

(b) Schedule IV shall consist of the drugs and other substances, by whatever official name, common or usual name, chemical name, or brand name designated, listed in this section.

(c) Narcotic drugs. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation containing any of the following narcotic drugs, or their salts calculated as the free anhydrous base or alkaloid, in limited quantities as set forth below:

...

(d) Depressants. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances, including its salts, isomers, and salts of isomers whenever the existence of those salts, isomers, and salts of isomers is possible within the specific chemical designation:

(1) Alprazolam.

....

14. Health & Safety Code section 11357 states, in pertinent part:

...

(b) Except as authorized by law, every person who possesses not more than 28.5 grams of marijuana, other than concentrated cannabis, is guilty of an infraction punishable by a fine of not more than one hundred dollars (\$100).

....

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1 **REGULATORY PROVISIONS**

2 15. California Code of Regulations, title 16, section 1769 states, in pertinent part:

3 ...

4 (b) When considering the suspension or revocation of a facility or a
5 personal license on the ground that the licensee or the registrant has been
6 convicted of a crime, the board, in evaluating the rehabilitation of such person and
7 his present eligibility for a license will consider the following criteria:

8 (1) Nature and severity of the act(s) or offense(s).

9 (2) Total criminal record.

10 (3) The time that has elapsed since commission of the act(s) or
11 offense(s).

12 (4) Whether the licensee has complied with all terms of parole,
13 probation, restitution or any other sanctions lawfully imposed against the licensee.

14 (5) Evidence, if any, of rehabilitation submitted by the licensee.

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

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

23 17. California Code of Regulations, title 16, section 1775.1, states:

24 (a) The fine for violating the Pharmacy Law or regulations adopted
25 pursuant thereto shall not exceed the amount specified in Section 125.9 of the
26 Business and Professions Code, except for a fine issued pursuant to Section 4067
27 or Section 4127.4 of the Business and Professions Code.

28 (b) The fine for violating the Confidentiality of Medical Information Act
shall not exceed the amount specified in Section 56.36 of the Civil Code.

(c) The fine for defaulting on a United States Department of Health and
Human Services education loan shall not exceed \$2,500.

(d) Failure of a person or entity cited to pay a fine within 30 days of the
date of assessment, unless the citation is being appealed, may result in
disciplinary action by the board. When a citation is not contested and a fine is not
paid, the full amount of the fine shall be added to the fee for renewal of the
license and the license shall not be renewed without payment of the renewal fee
and fine.

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1 **COST RECOVERY**

2 18. Code section 125.3 provides, in pertinent part, that the Board may request the
3 administrative law judge to direct a licentiate found to have committed a violation or violations
4 of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
5 enforcement of the case, with failure of the licentiate to comply subjecting the license to not
6 being renewed or reinstated. If a case settles, recovery of investigation and enforcement costs
7 may be included in a stipulated settlement.

8 **DRUGS**

9 19. Alprazolam is a Schedule IV controlled substance as designated by Health and
10 Safety Code section 11057, subdivision (d)(1), and is categorized as a dangerous drug under
11 Code section 4022.

12 20. Cannabinoids (Marijuana) are Schedule I controlled substances as designated by
13 Health and Safety Code section 11054, subdivision (d)(13) and categorized as dangerous drugs
14 under section 4022.

15 21. Etizolam¹ is a thienodiazepine drug with anticonvulsant, hypnotic, and anxiolytic
16 properties that is equipotent to alprazolam. Chemically, it is closely related to the
17 benzodiazepines and shares essentially all their risks and benefits. . . . Etizolam is not a
18 controlled substance in the United States, nor is it covered by the Federal Analogue Act as the
19 act only applies to Schedules I and II, whereas benzodiazepines are classified under Schedule IV
20 of the Controlled Substances Act.²

21 22. Tetrahydrocannabinols (THC) are Schedule I controlled substances as designated
22 by Health and Safety Code section 11054, subdivision (d)(20) and categorized as dangerous
23 drugs under section 4022.

24 ///

25 _____
26 ¹ Etizolam is a short-acting psychoactive drug of the thienodiazepine class which has
27 been shown to produce depressants, anxiolytic, sedative, hypnotic, muscle relaxant,
28 anticonvulsant, depressant and amnesic effects. 1mg of etizolam is approximately equivalent to
10mg diazepam. (<https://psychonautwiki.org/wiki/Etizolam>)

² <https://drugs-forum.com/forum/showwiki.php?ttitle=Etizolam>

1 **FIRST CAUSE FOR DISCIPLINE**

2 **(Unprofessional Conduct – Violation of Regulations)**

3 23. Respondent has subjected his Pharmacy Technician Registration to discipline
4 under Code section 4301, subdivision (o), as provided in section 1775.1, subdivision (d) of title
5 16 of the California Code of Regulations. Respondent violated regulations when on October 25,
6 2015, Respondent failed to pay a fine of \$1,200.00 within 30 days after its imposition in Board
7 Citation Number CI 2014 65380, detailed in paragraph 32, below, which is incorporated herein
8 by this reference.

9 **SECOND CAUSE FOR DISCIPLINE**

10 **(June 7, 2016 Conviction for Driving on Suspended License on December 5, 2015)**

11 24. Respondent has subjected his Pharmacy Technician Registration to discipline
12 under Code sections 490 and 4301, subdivision (l), in that he was convicted of a crime
13 substantially related to the qualifications, functions, and duties of a registered pharmacy
14 technician. The circumstances are as follows:

15 a. On June 7, 2016, in a criminal proceeding entitled *The People of the State*
16 *of California v. Arthur Junior Beltran, aka Arthur Beltran Jr, aka Arthur Junior Beltran Jr, aka*
17 *Arthur Beltran*, in the Orange County Superior Court, North Justice Center, Case Number
18 15NM16455, Respondent was convicted on his plea of guilty of violating Vehicle Code (VC)
19 section 14601.2, subdivision (a), driving when privilege to drive was suspended or revoked due
20 to a prior DUI conviction, a misdemeanor.

21 b. As a result of the conviction, on June 7, 2016, Respondent was sentenced
22 to serve 180 days, in the Orange County Jail, with credit for four days actually served and four
23 days for good behavior, with service of the balance to run concurrent with service of sentence in
24 any other case. Respondent was ordered to pay fines, fees, assessments, and restitution.

25 c. The facts that led to the conviction are that on December 5, 2015,
26 Respondent failed to stop for a stop sign in the intersection of North Mohican Avenue and La
27 Palma Avenue in Anaheim, California. An officer from the Anaheim Police Department (APD)
28 initiated an enforcement stop. Respondent provided his state identification card to the officer. A

1 computer check revealed that Respondent's driver's license was suspended for a prior DUI
2 conviction. Respondent admitted to knowing the status of his driver's license as suspended due
3 to a prior DUI conviction. The officer issued Respondent Citation Number AN1614538 for
4 violation of VC section 14601.2, subdivision (a).

5 **THIRD CAUSE FOR DISCIPLINE**

6 **(June 7, 2016 Conviction for Driving Under the Influence of Drugs on March 7, 2016)**

7 25. Respondent has subjected his Pharmacy Technician Registration to discipline
8 under Code sections 490 and 4301, subdivision (l), in that he was convicted of crimes
9 substantially related to the qualifications, functions, and duties of a registered pharmacy
10 technician. The circumstances are as follows:

11 a. On June 7, 2016, in a criminal proceeding entitled *The People of the State*
12 *of California v. Arthur Junior Beltran, aka Arthur Beltran Jr, aka Arthur Junior Beltran Jr, aka*
13 *Arthur Beltran*, in the Orange County Superior Court, North Justice Center, Case Number
14 16NM08888, Respondent was convicted on his plea of guilty of violating VC sections 23152,
15 subdivision (e), driving under the influence (DUI) of drugs, and 14601.2, subdivision (a), driving
16 when privilege to drive was suspended due to a prior DUI conviction, both misdemeanors, and
17 Health and Safety Code section 11357, subdivision (b), possession of 28.5 grams or less of
18 marijuana, an infraction. Respondent admitted and the court found true the allegation that at the
19 time of the violation of VC section 23152, subdivision (e), mentioned above, on March 5, 2015,
20 he committed a separate violation of VC section 23152, subdivision (a), a misdemeanor,
21 resulting in a conviction on April 23, 2015, in Case Number 15NM04194, detailed in paragraph
22 32, below, a sentencing enhancement under VC section 23540.

23 b. As a result of his convictions, on June 7, 2016, Respondent was sentenced
24 to 120 days in the Orange County Jail, with credit for four days served and four days for good
25 behavior, with service of the balance to run concurrent with service of sentence in any other case.
26 Respondent was granted five years informal probation under deoxyribonucleic acid (DNA) terms
27 and standard alcohol and drug conditions. Respondent was ordered to attend and satisfactorily
28 complete an 18-month multiple offender alcohol program and a Mothers Against Drunk Driving

1 Victim's Impact Panel session. Respondent was also ordered to pay fines, fees, restitution, and
2 assessments. Respondent was declared a habitual traffic offender and further ordered to install an
3 ignition interlock device for three years.

4 c. The facts that led to the convictions are that on March 7, 2016,
5 Respondent was weaving within his lane while driving westbound on Orangethorpe Avenue in
6 Fullerton, California. A Fullerton Police Department (FPD) officer driving a patrol vehicle
7 noticed Respondent's weaving vehicle, its expired registration, its unlit back middle brake light,
8 and its partially non-operational right brake light. Respondent sped up and turn left onto Gilbert
9 Street. The officer caught up with Respondent's vehicle and initiate an enforcement stop in the
10 area of Houston Avenue and Braeburn Street. Upon initial contact, the officer immediately
11 smelled marijuana emitting from inside Respondent's vehicle. Both of Respondent's hands were
12 shaking and he kept moving them around. Respondent explained that he did not have a driver's
13 license because he was on informal probation due to a prior DUI conviction. Respondent's
14 speech was slow and his eyes were bloodshot and watery. Respondent admitted to smoking three
15 "buds" of marijuana two to five minutes before the enforcement stop and to taking Xanax the
16 night before. Respondent showed the officer a canister that contained 1.2 grams of marijuana.
17 Respondent also showed the officer an apple with punctured holes, which he used to smoke
18 marijuana. Respondent admitted to not having a medical marijuana card or a medical reason to
19 smoke marijuana. Respondent also admitted to not having a prescription for Xanax³. Respondent
20 failed to perform some field sobriety tests as explained and demonstrated. Respondent was
21 arrested and transported to the FPD jail where he provided a blood sample, which tested positive
22 for alprazolam, carboxy-THC, etizolam, hydroxy-THC, and THC.

23 FOURTH CAUSE FOR DISCIPLINE

24 (June 7, 2016 Conviction for DUI of Drugs and Alcohol on June 4, 2016)

25 26. Respondent has subjected his Pharmacy Technician Registration to discipline
26 under Code sections 490 and 4301, subdivision (l), in that he was convicted of a crime

27 _____
28 ³ Xanax is a brand name for alprazolam.

1 substantially related to the qualifications, functions, and duties of a registered pharmacy
2 technician. The circumstances are as follows:

3 a. On June 7, 2016, in a criminal proceeding entitled *The People of the State*
4 *of California vs. Arthur Junior Beltran, aka Arthur Beltran Jr, aka Arthur Junior Beltran Jr, aka*
5 *Arthur Beltran*, in the Orange County Superior Court, North Justice Center, Case Number
6 16NM09035, Respondent was convicted on his plea of guilty of violating VC sections 23152,
7 subdivision (f), driving while under the combined influence of alcohol and drugs, and 14601.2,
8 subdivision (a), driving when privilege to drive was suspended due to a prior DUI conviction,
9 both misdemeanors. Respondent admitted and the court found true the allegation that at the time
10 of the violation of VC section 23152, subdivision (f), mentioned above, on (sic) November 26,
11 2014⁴, he committed a separate violation of VC section 23152, subdivision (a), a misdemeanor,
12 resulting in a conviction on (sic) March 19, 2015⁵, in Case Number 15NM04194, detailed in
13 paragraph 32, below, a sentencing enhancement under VC section 23540.

14 b. As a result of the convictions, on June 7, 2016, Respondent was sentenced
15 to 30 days in the Orange County Jail, with credit for four days served and four days for good
16 behavior, with service of the balance to run concurrent with service of sentence in any other case.
17 Respondent was ordered to pay fines, fees, restitution, and assessments.

18 c. The facts that led to the convictions are that on June 4, 2016, while driving
19 northbound on North Devonshire Road in Anaheim, California, Respondent rear-ended a parked
20 vehicle. An officer from the Anaheim Police Department (APD) responding to the collision
21 incident contacted Respondent. During the interview, the officer smelled alcohol coming from
22 Respondent's breath. Respondent's eyes were red and droopy and his speech slow and slurred.
23 Respondent admitted to drinking two beers and smoking a bowl of marijuana before driving.
24 Respondent failed to perform a series of field sobriety tests as explained and demonstrated.
25 Respondent was arrested and transported to the APD Detention Facility where he consented to a
26 preliminary alcohol screen (PAS). Respondent's two breath samples both indicated a BAC of .02

27 ⁴ March 5, 2015

28 ⁵ April 23, 2015

1 percent. Respondent consented to a blood draw. Respondent's subsequent chemical test results
2 indicated the presence of alprazolam, carboxy-THC, hydroxyl-THC, and THC.

3 **FIFTH CAUSE FOR DISCIPLINE**

4 **(Unprofessional Conduct - Dangerous Use of Alcohol)**

5 27. Respondent has subjected his Pharmacy Technician Registration to discipline
6 under Code section 4301, subdivision (h) in that on June 4, 2016, he used alcohol to the extent
7 and in a manner that was dangerous and injurious to himself and to the public, as described in
8 paragraph 26, above, which is incorporated by reference.

9 **SIXTH CAUSE FOR DISCIPLINE**

10 **(Unprofessional Conduct - Dangerous Use of Drugs)**

11 28. Respondent has subjected his Pharmacy Technician Registration to discipline
12 under Code section 4301, subdivision (h) in that on March 7 and June 4, 2016, he used drugs, to
13 the extent and in a manner that was dangerous and injurious to himself and to the public, as
14 described in paragraphs 25 and 26; above, which are incorporated by reference.

15 **SEVENTH CAUSE FOR DISCIPLINE**

16 **(Unprofessional Conduct – Multiple Alcohol and Drug Related Misdemeanor Convictions)**

17 29. Respondent has subjected his Pharmacy Technician Registration to discipline
18 under Code section 4301, subdivision (k) in that on June 7, 2016, he was convicted of more than
19 one misdemeanor involving the use or consumption of alcohol and drugs, as detailed in
20 paragraphs 25 and 26, above, which are incorporated by reference.

21 **EIGHTH CAUSE FOR DISCIPLINE**

22 **(Unprofessional Conduct – Violation of Drug Laws)**

23 30. Respondent has subjected his Pharmacy Technician Registration to discipline
24 under Code sections 490 and 4301, subdivision (j), in that he violated VC section 23152,
25 subdivisions (e) and (f), statutes of the State of California regulating controlled substances. The
26 circumstances are that Respondent operated a motor vehicle while under the influence of drugs,
27 on March 7, 2016, in Fullerton, California and on June 4, 2016, in Anaheim, California, as
28 detailed in paragraphs 25 and 26, above, which are incorporated by reference.

1 NINTH CAUSE FOR DISCIPLINE

2 (Unprofessional Conduct – Violation of Pharmacy Laws)

3 31. Respondent has subjected his Pharmacy Technician Registration to discipline
4 under Code sections 490 and 4301, subdivision (j), in that he violated Health and Safety Code
5 section 11357, subdivision (b), a statute of the State of California regulating controlled
6 substances. The circumstances are that on March 7, 2016, Respondent was found in possession
7 of 28.5 grams or less of marijuana, in Fullerton, California, as detailed in paragraph 25, above,
8 which is incorporated by reference.

9 **DISCIPLINARY CONSIDERATIONS**

10 32. To determine the degree of discipline, if any, to be imposed on Respondent,
11 Complainant alleges:

12 a. On April 23, 2015, in a prior criminal proceeding entitled *The People of*
13 *the State of California vs. Arthur Junior Beltran, aka Arthur Beltran Jr, aka Arthur Junior*
14 *Beltran Jr, aka Arthur Beltran*, in the Orange County Superior Court, North Justice Center, Case
15 Number 15NM04194, Respondent was convicted on his plea of guilty of violating Vehicle Code
16 (VC) sections 23152, subdivision (a), driving while under the influence of alcohol (DUI), and
17 20002, subdivision (a), hit and run with property damage. A misdemeanor charge for a second
18 violation of VC section 20002, subdivision (a), and an infraction charge for violation of VC
19 section 23136, subdivision (a), driving under the age of 21 with a blood alcohol content (BAC)
20 of 0.01 percent or more, were dismissed under a plea bargain.

21 b. As a result of the convictions, on April 23, 2015, Respondent was
22 sentenced to ten days in the Orange County Jail, with credit for one day actually served, with
23 option to serve the balance of nine days through the public service program. Respondent was
24 granted three years informal probation under standard alcohol conditions and ordered to attend
25 and satisfactorily complete a three-month First Offender Alcohol Program and a Youthful Drug
26 and Alcohol Deterrence Program. Respondent was also ordered to pay fines, fees, restitution,
27 penalties, and assessments. Respondent's license to drive was suspended for a year. On August
28 17, 2015, Respondent was found in violation of the terms of his probation and his suspended

1 sentence of ten days was re-imposed, with the option to render service for ten days in lieu of jail.
2 Respondent was also sentenced to 30 days in the Orange County Jail.

3 c. The facts that led to his conviction are that on March 5, 2015, while
4 backing out from a stall in a parking lot at La Palma Avenue in Anaheim, California, Respondent
5 hit a parked vehicle. Respondent drove away but his registration plates had been reported to
6 responding officers from the Anaheim Police Department (APD). As Respondent drove
7 eastbound on Houston Street, an APD officer initiated an enforcement stop. During initial
8 contact, the officer smelled alcohol emitting from Respondent's breath and body, and noticed
9 Respondent's slurred speech and droopy and watery eyes. Respondent refused to answer further
10 questions or undergo a series of field sobriety test. Respondent was thereafter arrested and
11 transported to the APD detention facility. Respondent refused to provide breath or blood
12 samples. The APD obtained a search warrant to authorize drawing a blood sample from
13 Respondent. Upon testing, Respondent's blood sample indicated a BAC of .14 percent.

14 d. On September 24, 2015, under Code section 4314, in conjunction with
15 title 16 of the California Code of Regulations, section 1775, the Board issued Respondent a
16 Citation and imposed a fine of \$1,200.00. The Board issued Respondent a citation for the
17 following:

18 i. Respondent violated Code section 4301, subdivision (f), for
19 unprofessional conduct, involving acts of moral turpitude, dishonesty, fraud, deceit, or
20 corruption.

21 ii. Respondent violated Code section 4301, subdivision (h), for
22 unprofessional conduct, use of alcoholic beverages to the extent or in a manner as to be
23 dangerous or injurious to the oneself, to a person holding a license under this chapter, or to any
24 other person or to the public, or to the extent that the use impairs the ability of the person to
25 conduct with safety to the public the practice authorized by the license.

26 iii. Respondent violated Code section 4301, subdivision (l), for
27 unprofessional conduct, in that Respondent was convicted of a crime substantially related to the
28 qualifications, functions, and duties of a registered pharmacy technician.

1 e. On October 25, 2015, Respondent failed to pay the fine of \$1,200.00
2 within 30 days after its imposition in Board Citation Number CI 2014 65380, in violation of
3 Code section 4301, subdivision (p), as provided in section 1775.1, subdivision (d) of title 16 of
4 the California Code of Regulations.

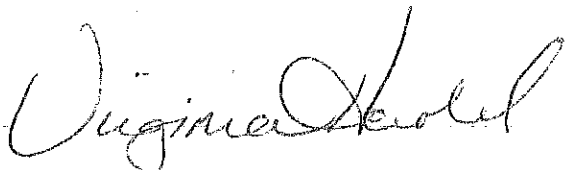
5 f. On June 7, 2016, in three criminal proceedings entitled *The People of the*
6 *State of California vs. Arthur Junior Beltran, aka Arthur Beltran Jr, aka Arthur Junior Beltran*
7 *Jr, aka Arthur Beltran*, in the Orange County Superior Court, North Justice Center, Cases
8 Numbers 15NM16455, 16NM08888, and 16NM09035, Respondent was convicted on his plea of
9 guilty of violating three counts of VC section 14601.2, subdivision (a), 23152, subdivision (e),
10 and 23152, subdivision (f), all misdemeanors detailed in paragraphs, 24, 25 and 26, above. As a
11 result of Respondent's convictions in the three cases, he was found in violation of his probation
12 in Case Number 15NM04194, above, and sentenced to 60 days in the Orange County Jail.

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 Number TCH
17 147658, issued to Arthur Beltran, Jr.;
- 18 2. Ordering Arthur Beltran, Jr. to pay the Board of Pharmacy the reasonable costs of
19 the 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: 11/28/16



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

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