

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

In the Matter of the Accusation Against:

ANDRES PARADES, Respondent

Pharmacy Technician Registration No. TCH 133857

Agency Case No. 6884

DECISION AND ORDER

The attached Stipulated Surrender of License 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 26, 2021.

It is so ORDERED on February 24, 2021

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

A handwritten signature in black ink, appearing to read "Greg Lippe", is written over the printed name.

By

Greg Lippe
Board President

1 XAVIER BECERRA
Attorney General of California
2 JAMES M. LEDAKIS
Supervising Deputy Attorney General
3 ALAN MACINA
Deputy Attorney General
4 State Bar No. 233540
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9
10 **BEFORE THE**
BOARD OF PHARMACY
11 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

12 In the Matter of the Accusation Against:

Case No. 6884

13 **ANDRES PAREDES, JR.**
14 **3925 Kimsue Way**
San Diego, CA 92154

**STIPULATED SURRENDER OF
LICENSE AND ORDER**

15 **Pharmacy Technician Registration**
16 **No. TCH 133857**

17 Respondent.

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

21 **PARTIES**

22 1. Anne Sodergren (Complainant) is the Executive Officer of the Board of Pharmacy
23 (Board). She brought this action solely in her official capacity and is represented in this matter by
24 Xavier Becerra, Attorney General of the State of California, by Alan Macina, Deputy Attorney
25 General.

26 2. Andres Paredes, Jr. (Respondent) is representing himself in this proceeding and has
27 chosen not to exercise his right to be represented by counsel.

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3. On or about October 23, 2013, the Board issued Pharmacy Technician Registration No. TCH 133857 to Respondent. The Pharmacy Technician Registration was in full force and effect at all times relevant to the charges brought in Accusation No. 6884 and will expire on January 31, 2021 unless renewed.

JURISDICTION

4. Accusation No. 6884 was filed before the Board and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent on December 21, 2020. Respondent timely filed his Notice of Defense contesting the Accusation. A copy of Accusation No. 6884 is attached as Exhibit A and incorporated by reference.

ADVISEMENT AND WAIVERS

5. Respondent has carefully read, fully discussed with counsel, and understands the charges and allegations in Accusation No. 6884. Respondent also has carefully read, fully discussed with counsel, and understands the effects of this Stipulated Surrender of License and Order.

6. Respondent is fully aware of his legal rights in this matter, including the right to a hearing on the charges and allegations in the Accusation; the right to be represented by counsel, at his own expense; the right to confront and cross-examine the witnesses against him; the right to present evidence and to testify on his own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.

7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

CULPABILITY

8. Respondent admits the truth of each and every charge and allegation in Accusation No. 6884, agrees that cause exists for discipline, and hereby surrenders his Pharmacy Technician Registration No. TCH 133857 for the Board's formal acceptance.

9. Respondent understands that by signing this stipulation, he enables the Board to issue an order accepting the surrender of his Pharmacy Technician Registration without further process.

CONTINGENCY

10. This stipulation shall be subject to approval by the Board. Respondent understands and agrees that counsel for Complainant and the staff of the Board may communicate directly with the Board regarding this stipulation and surrender, without notice to or participation by Respondent or his counsel. By signing the stipulation, Respondent understands and agrees that he may not withdraw his agreement or seek to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order, the Stipulated Surrender and Disciplinary Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not be disqualified from further action by having considered this matter.

11. The parties understand and agree that Portable Document Format (PDF) and facsimile copies of this Stipulated Surrender of License and Order, including PDF and facsimile signatures thereto, shall have the same force and effect as the originals.

12. This Stipulated Surrender of License and Order is intended by the parties to be an integrated writing representing the complete, final, and exclusive embodiment of their agreement. It supersedes any and all prior or contemporaneous agreements, understandings, discussions, negotiations, and commitments (written or oral). This Stipulated Surrender of License and Order may not be altered, amended, modified, supplemented, or otherwise changed except by a writing executed by an authorized representative of each of the parties.

13. In consideration of the foregoing admissions and stipulations, the parties agree that the Board may, without further notice or formal proceeding, issue and enter the following Order:

ORDER

IT IS HEREBY ORDERED that Pharmacy Technician Registration No. TCH 133857, issued to Respondent Andres Paredes, Jr., is surrendered and accepted by the Board.

1. The surrender of Respondent's Pharmacy Technician Registration and the acceptance of the surrendered license by the Board shall constitute the imposition of discipline against

Respondent. This stipulation constitutes a record of the discipline and shall become a part of Respondent's license history with the Board.

2. Respondent shall lose all rights and privileges as a pharmacy technician in California as of the effective date of the Board's Decision and Order.

3. Respondent shall cause to be delivered to the Board his pocket license and, if one was issued, his wall certificate on or before the effective date of the Decision and Order.

4. Respondent shall pay the agency its costs of investigation and enforcement in the amount of \$5,000.00 prior to issuance of a new or reinstated license.

5. If Respondent should ever apply or reapply for a new license or certification, or petition for reinstatement of a license, by any other health care licensing agency in the State of California, all of the charges and allegations contained in Accusation No. 6884 shall be deemed to be true, correct, and admitted by Respondent for the purpose of any Statement of Issues or any other proceeding seeking to deny or restrict licensure.

Respondent may only seek a new or reinstated license from the Board by way of a new application for licensure. Respondent understands and agrees that if he ever files an application for licensure or a petition for reinstatement in the State of California, the Board shall treat it as a new application for licensure shall not be eligible to petition for reinstatement of licensure.

Respondent may not apply for any license, permit, or registration from the Board for three (3) years from the effective date of this decision. Respondent stipulates that should he apply for any license from the Board on or after the effective date of this decision, all allegations set forth in Accusation No. 6884 shall be deemed to be true, correct and admitted by Respondent when the board determines whether to grant or deny the application.

Respondent shall satisfy all requirements applicable to that license as of the date the application is submitted to the Board, including, but not limited to, taking and passing licensing examination(s) as well as fulfilling any education or experience requirements prior to the issuance of a new license.

Respondent is required to report this Surrender as disciplinary action.

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DATED: _____

ANDRES PAREDES, JR.
Respondent

The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted for consideration by the Board of Pharmacy of the Department of Consumer Affairs.

Respectfully submitted,

XAVIER BECERRA
Attorney General of California
JAMES M. LEDAKIS
Supervising Deputy Attorney General

ALAN MACINA
Deputy Attorney General
Attorneys for Complainant

5

ACCEPTANCE

I have carefully read the above Stipulated Surrender of License and Order. I understand the stipulation and the effect it will have on my Pharmacy Technician Registration. I enter into this Stipulated Surrender of License and Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board of Pharmacy.

DATED:

1-26-2021


ANDRÉS PAREDES, JR.

Respondent

ENDORSEMENT

The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted for consideration by the Board of Pharmacy of the Department of Consumer Affairs.

DATED: _____

Respectfully submitted,

XAVIER BECERRA
Attorney General of California
JAMES M. LEDAKIS
Supervising Deputy Attorney General

ALAN MACINA
Deputy Attorney General
Attorneys for Complainant

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1 **ACCEPTANCE**

2 I have carefully read the above Stipulated Surrender of License and Order. I understand the
3 stipulation and the effect it will have on my Pharmacy Technician Registration. I enter into this
4 Stipulated Surrender of License and Order voluntarily, knowingly, and intelligently, and agree to
5 be bound by the Decision and Order of the Board of Pharmacy.

6
7 DATED: _____

8 ANDRES PAREDES, JR.
9 *Respondent*


10 **ENDORSEMENT**

11 The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted
12 for consideration by the Board of Pharmacy of the Department of Consumer Affairs.

13
14 DATED: Jan. 27, 2021

Respectfully submitted,

15 XAVIER BECERRA
16 Attorney General of California
17 JAMES M. LEDAKIS
18 Supervising Deputy Attorney General

19 
20 ALAN MACINA
21 Deputy Attorney General
22 *Attorneys for Complainant*

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Exhibit A

Accusation No. 6884

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Attorney General of California
2 JAMES M. LEDAKIS
Supervising Deputy Attorney General
3 ALAN MACINA
Deputy Attorney General
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7 Facsimile: (619) 645-2061
Attorneys for Complainant

9 **BEFORE THE**
10 **BOARD OF PHARMACY**
11 **DEPARTMENT OF CONSUMER AFFAIRS**
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12 In the Matter of the Accusation Against:

Case No. 6884

13 **ANDRES PAREDES, JR.**
14 **3925 Kimsue Way**
San Diego, CA 92154

ACCUSATION

15 **Pharmacy Technician Registration No.**
16 **TCH 133857**

17 Respondent.

18 **PARTIES**

19 1. Anne Sodergren (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 October 23, 2013, the Board issued Pharmacy Technician Registration
22 Number TCH 133857 to Andres Paredes, Jr. (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 January 31, 2021, 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.

4. Code section 4300, subdivision (a), states that “Every license issued may be suspended or revoked.”

5. Code section 4300.1 states:

The expiration, cancellation, forfeiture, or suspension of a board-issued license by operation of law or by order or decision of the board or a court of law, the 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 investigation of, or action or disciplinary proceeding against, the licensee or to render a decision suspending or revoking the license.

STATUTORY PROVISIONS

6. Code section 4022 states:

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

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

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

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

7. Code section 4060 states, in part, that no person shall possess any controlled substance, except that furnished to a person upon the prescription of a physician, dentist, podiatrist, optometrist, veterinarian, or naturopathic doctor.

8. Code section 4301 states in part:

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

• • •

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

• • • •

9. Title 21, United States Code, section 952, states in part:

///

1 (a) Controlled substances in schedule I or II and narcotic drugs in schedule III,
2 IV, or V; exceptions. It shall be unlawful to import into the customs territory of the
3 United States from any place outside thereof (but within the United States), or to
4 import into the United States from any place outside thereof, any controlled
5 substance in schedule I or II of subchapter I, or any narcotic drug in schedule III, IV,
6 or V of subchapter I, or ephedrine, pseudoephedrine, or phenylpropanolamine . . .

7

8 10. Title 21, United States Code, section 960, states in part:

9 (a) Unlawful acts. Any person who—

10 (1) contrary to section 305, 1002, 1003, or 1007 [21 USCS § 825, 952, 953
11 or 957], knowingly or intentionally imports or exports a controlled
12 substance,

13 . . .

14 shall be punished as provided for in subsection (b).

15

16 **COST RECOVERY**

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

23 **CONTROLLED SUBSTANCES**

24 12. Cocaine is a schedule-II controlled substance as designated by United States Code,
25 title 21, section 812, and is a dangerous drug pursuant to Business and Professions Code section
26 4022.

27 **FIRST CAUSE FOR DISCIPLINE**

28 **(Violation of State and Federal Statutes Regulating Controlled Substances)**

13 Respondent has subjected his license to disciplinary action under Code section 4301,
14 subdivision (j), for unprofessional conduct because Respondent violated Code section 4060 and
15 Title 21, United States Code, sections 952 and 960. The circumstances are as follows:

1 a. On December 22, 2018, at approximately 3:50 p.m., Respondent drove a car
2 into the Otay Mesa Port of Entry to the United States from Mexico. He was the sole person in the
3 car. Agents directed his car to a secondary inspection. A Customs and Border Protection (CBP)
4 officer who conducted the inspection noticed several anomalies inside the door panels when
5 Respondent drove through a scanning machine. A drug-detection dog alerted the CBP officer to
6 an odor coming from the rear of the car. During a search of the car, the CBP officer discovered
7 24 packages of a white substance, wrapped in plastic, hidden in the driver and passenger side
8 door panels, the sliding door inner panel and inside the rear hatch panel. The officer probed some
9 packages and they tested presumptively positive for cocaine. In total, officers seized 24 packages
10 with a combined weight of 28.82 kilograms from Respondent's car. Respondent denied having
11 any knowledge about the drugs. Respondent was arrested on charges of (1) felony
12 possession/purchase for sale of a controlled substance (Health & Saf. Code, § 11351) in an
13 amount exceeding 20 kilograms (Health & Saf. Code, § 11370.4, subd. (a)(4); (2) felony
14 transport/import/sell controlled substances (Health & Saf. Code, § 11352); and (3) misdemeanor
15 possession of a controlled substance (Health & Saf. Code, § 11350, subd. (a)).

16 b. On or about December 28, 2018, in a criminal proceeding titled *United States of*
17 *America v. Andres Paredes, Jr.*, in the United States District Court, Southern District of
18 California, Case No. 3:19-CR-00344-GPC-1, a complaint was filed charging Respondent with
19 one felony count of importation of five kilograms or more of a controlled substance (21 U.S.C.,
20 §§ 952 & 960), to wit approximately 28.82 kilograms/63.54 pounds of cocaine. Respondent then
21 pleaded guilty to the charge which the court accepted on or about November 12, 2019. The court
22 ordered that Respondent be admitted into the Veteran's APS Diversion Program.¹ The criminal
23 case is currently active pending adjudication.

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28 ¹ Veterans and active-duty military personnel suffering from trauma or mental health
issues may be eligible for "military diversion," a form of pretrial diversion, in lieu of jail time.

1 **SECOND CAUSE FOR DISCIPLINE**

2 **(Unprofessional Conduct)**

3 14. Respondent has subjected his license to disciplinary action under Code section 4301
4 because Respondent engaged in unprofessional conduct as more fully set forth in paragraph 13,
5 above, incorporated herein by reference.

6 **PRAYER**

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

9 1. Revoking or suspending Pharmacy Technician Registration Number TCH 133857,
10 issued to Respondent Andres Paredes, Jr.;

11 2. Ordering Respondent Andres Paredes, Jr. to pay the Board of Pharmacy the
12 reasonable costs of the investigation and enforcement of this case, pursuant to Business and
13 Professions Code section 125.3; and

14 3. Taking such other and further action as deemed necessary and proper.

15
16
17 DATED: 12/20/2020 _____

Signature on File

18 ANNE SODERGREN
19 Executive Officer
20 Board of Pharmacy
21 Department of Consumer Affairs
22 State of California
23 *Complainant*

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