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

12 In the Matter of the Accusation Against:

Case No. 6923

13 **JONATHAN SALVADOR ARANCILLO**
14 **2904 Mahaska Way**
Sacramento, CA 95835

DEFAULT DECISION AND ORDER

15 **Pharmacy Technician Registration No. TCH**
16 **145987**

[Gov. Code, §11520]

17 Respondent.
18

19 **FINDINGS OF FACT**

20 1. On or about March 30, 2020, Complainant Anne Sodergren, in her official capacity as
21 the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs, filed
22 Accusation No. 6923 against Jonathan Salvador Arancillo (Respondent) before the Board of
23 Pharmacy (Board). (Accusation attached as Exhibit A.)

24 2. On or about April 16, 2015, the Board issued Pharmacy Technician Registration No.
25 TCH 145987 to Respondent. The Pharmacy Technician Registration was in full force and effect
26 at all times relevant to the charges brought in Accusation No. 6923 and will expire on April 30,
27 2021, unless renewed.

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1 3. On or about March 30, 2020, Respondent was served by Certified and First Class
2 Mail copies of the Accusation No. 6923, Statement to Respondent, Notice of Defense, Request
3 for Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6, and
4 11507.7) at Respondent's address of record which, pursuant to Business and Professions Code
5 section 4100, is required to be reported and maintained with the Board. Respondent's address of
6 record was and is:

7 2904 Mahaska Way
8 Sacramento, CA 95835.

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

11 5. Government Code section 11506(c) states, in pertinent part:

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

17 6. The Board takes official notice of its records and the fact that Respondent failed to
18 file a Notice of Defense within 15 days after service upon him of the Accusation, and therefore
19 waived his right to a hearing on the merits of Accusation No. 6923.

20 7. California Government Code section 11520(a) states, in pertinent part:

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

25 8. Pursuant to its authority under Government Code section 11520, the Board finds
26 Respondent is in default. The Board will take action without further hearing and, based on the
27 relevant evidence contained in the Default Decision Investigatory Evidence Packet in this matter,
28 as well as taking official notice of all the investigatory reports, exhibits, and statements contained
therein on file at the Board's offices regarding the allegations contained in Accusation No. 6923,
finds that the charges and allegations in Accusation No. 6923, are separately and severally, found
to be true and correct by clear and convincing evidence.

9. The Board finds that the actual costs for Investigation and Enforcement are \$2,499.50 as of May 11, 2020.

DETERMINATION OF ISSUES

1. Based on the foregoing findings of fact, Respondent Jonathan Salvador Arancillo has subjected his Pharmacy Technician Registration No. TCH 145987 to discipline.

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

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

a. Violation of Business and Professions Code section 4301, subdivision (h), in that on or about September 9, 2019, while at work as a Pharmacy Technician, Respondent tested positive for cocaine, a controlled substance.

b. Violation of Business and Professions Code section 4301, subdivision (j), by and through Business and Professions Code section 4327 and California Health and Safety Code section 11170, in that Respondent used a controlled substance and dangerous drug at work.

ORDER

IT IS SO ORDERED that Pharmacy Technician Registration No. TCH 145987, issued to Respondent Jonathan Salvador Arancillo, is revoked.

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

This Decision shall become effective on July 29, 2020.

It is so ORDERED on June 29, 2020.

My 2. Lippe

Greg Lippe
Board President
FOR THE BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS

SA2020101147
Attachment:
Exhibit A: Accusation/

Exhibit A

Accusation

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

13 In the Matter of the Accusation Against:

Case No. 6923

14 **JONATHAN SALVADOR ARANCILLO**
15 **2904 Mahaska Way**
Sacramento, CA 95835

ACCUSATION

16 **Pharmacy Technician Registration No. TCH**
17 **145987**

Respondent.

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19 **PARTIES**

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

22 2. On or about April 16, 2015, the Board of Pharmacy issued Pharmacy Technician
23 Registration Number TCH 145987 to Jonathan Salvador Arancillo (Respondent). The Pharmacy
24 Technician Registration was in full force and effect at all times relevant to the charges brought
25 herein and will expire on April 30, 2021, unless renewed.

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JURISDICTION

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

4. 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.

5. Code section 4307 states:

(a) Any person who has been denied a license or whose license has been revoked or is under suspension, or who has failed to renew his or her license while it was under suspension, or who has been a manager, administrator, owner, member, officer, director, associate, partner, or any other person with management or control of any partnership, corporation, trust, firm, or association whose application for a license has been denied or revoked, is under suspension or has been placed on probation, and while acting as the manager, administrator, owner, member, officer, director, associate, partner, or any other person with management or control had knowledge of or knowingly participated in any conduct for which the license was denied, revoked, suspended, or placed on probation, shall be prohibited from serving as a manager, administrator, owner, member, officer, director, associate, partner, or in any other position with management or control of a licensee as follows:

(1) Where a probationary license is issued or where an existing license is placed on probation, this prohibition shall remain in effect for a period not to exceed five years.

(2) Where the license is denied or revoked, the prohibition shall continue until the license is issued or reinstated.

(b) Manager, administrator, owner, member, officer, director, associate, partner, or any other person with management or control of a license as used in this section and Section 4308, may refer to a pharmacist or to any other person who serves in such capacity in or for a licensee.

(c) The provisions of subdivision (a) may be alleged in any pleading filed pursuant to Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of the Government Code. However, no order may be issued in that case except as to a person who is named in the caption, as to whom the pleading alleges the applicability of this section, and where the person has been given notice of the proceeding as required by Chapter 5

1 (commencing with Section 11500) of Part 1 of Division 3 of the Government Code. The
2 authority to proceed as provided by this subdivision shall be in addition to the board's
3 authority to proceed under Section 4339 or any other provision of law.

4 **BUSINESS AND PROFESSIONS CODE**

5 6. Code section 4022, subdivision (c) states:

7 "Dangerous drug" or "dangerous device" means any drug or device unsafe for self use
8 in humans or animals, and includes the following:

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

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

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

16 ...

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

23 ...

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

26

27 8. Code section 4327 states, "Any person who, while on duty, sells, dispenses or
28 compounds any drug while under the influence of any dangerous drug or alcoholic beverages
shall be guilty of a misdemeanor."

HEALTH AND SAFETY CODE

9. California Health and Safety Code section 11170 states, "No person shall prescribe,
administer, or furnish a controlled substance for himself."

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1 **COST RECOVERY**

2 10. Section 125.3 of the Code states, in pertinent part, that the Board may request the
3 administrative law judge to direct a licensee found to have committed a violation or violations of
4 the licensing act to pay a sum not to exceed the reasonable costs of investigation and enforcement
5 of the case.

6 **CONTROLLED SUBSTANCE/DANGEROUS DRUG**

7 11. *Cocaine* is a Schedule I controlled substance pursuant to Health and Safety Code
8 section 11054, subdivision (f)(1). It is a dangerous drug pursuant to Code section 4022.

9 **FACTUAL ALLEGATIONS**

10 12. On or about September 9, 2019, Respondent worked as a Pharmacy Technician at
11 Walgreens #05152, located on Dewey Drive in Sacramento, California.

12 13. On or about October 14, 2019, the Walgreens #05152 district manager notified the
13 Board that Respondent had tested positive for cocaine on September 9, 2019, during a random
14 drug screen, while at work.

15 14. As part of Walgreens #05152's investigation into Respondent's positive drug test,
16 Respondent provided a written statement admitting that shortly before September 9, 2019, he
17 used cocaine at a wedding party.

18 **FIRST CAUSE FOR DISCIPLINE**

19 **(Self-Administration of Controlled Substance)**

20 15. Respondent is subject to disciplinary action under Code section 4301, subdivision (h),
21 on the grounds of unprofessional conduct in that he administered a controlled substance to
22 himself in a manner as to be dangerous to himself or the public. The circumstances are that on or
23 about September 9, 2019, while at work as a Pharmacy Technician, Respondent tested positive
24 for cocaine, as described with more particularity in paragraphs 12-14, above.

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