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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. 6948

13 **CHRISTIAN LASSO DE LA VEGA**
14 **10541 Keweenaw Ave**
Pacoima, CA 91331

DEFAULT DECISION AND ORDER

15 **Pharmacy Technician Registration No. TCH**
16 **146504**

[Gov. Code, §11520]

17 Respondent.

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19 **FINDINGS OF FACT**

20 1. On or about December 24, 2020, Complainant Anne Sodergren, in her official
21 capacity as the Executive Officer of the Board of Pharmacy (“Board”), Department of Consumer
22 Affairs, filed Accusation No. 6948 against Christian Lasso De La Vega (“Respondent”) before
23 the Board of Pharmacy. (Accusation attached as Exhibit A.)

24 2. On or about March 19, 2015, the Board issued Pharmacy Technician Registration No.
25 TCH 146504 to Respondent. The Pharmacy Technician Registration was in full force and effect
26 at all times relevant to the charges brought in Accusation No. 6948 and will expire on January 31,
27 2023, unless renewed.

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1 3. On or about January 5, 2021, Respondent was served by Certified Mail copies of the
2 Accusation No. 6948, Statement to Respondent, Notice of Defense, Request for Discovery,
3 Discovery Statutes (Government Code sections 11507.5, 11507.6, and 11507.7) at Respondent's
4 address of record which, pursuant to Business and Professions Code section 4100, is required to
5 be reported and maintained with the Board. Respondent's address of record was and is:
6 10541 Kewen Ave, Pacoima, CA 91331.

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

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

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

13 6. The Board takes official notice of its records and the fact that Respondent failed to
14 file a Notice of Defense within 15 days after service upon him of the Accusation, and therefore
15 waived his right to a hearing on the merits of Accusation No. 6948.

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

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

20 8. Pursuant to its authority under Government Code section 11520, the Board finds
21 Respondent is in default. The Board will take action without further hearing and, based on the
22 relevant evidence contained in the Default Decision Investigatory Evidence Packet in this matter,
23 as well as taking official notice of all the investigatory reports, exhibits and statements contained
24 therein on file at the Board's offices regarding the allegations contained in Accusation No. 6948,
25 finds that the charges and allegations in Accusation No. 6948, are separately and severally, found
26 to be true and correct by clear and convincing evidence.

27 9. The Board finds that the actual costs for Investigation and Enforcement are \$5,024.00
28 as of February 23, 2021.

DETERMINATION OF ISSUES

1. Based on the foregoing findings of fact, Respondent Christian Lasso De La Vega has subjected his Pharmacy Technician Registration No. TCH 146504 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. Business and Professions Code section 4301, subdivision (h) (Unprofessional Conduct.)

b. Business and Professions Code sections 4301, subdivision (j) in conjunction with section 4060 (Unlawful Possession of a Controlled Substance.)

c. Business and Professions Code sections 4301, subdivision (j), in conjunction with section 4327 (Sale, Dispensing, or Compounding While Under the Influence of Drugs.)

d. Business and Professions Code sections 4301, subdivision (j) and Health and Safety Code section 11170 (Sale, Dispensing, or Compounding While Under the Influence of Drugs.)

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ORDER

IT IS SO ORDERED that Pharmacy Technician Registration No. TCH 146504, issued to Respondent Christian Lasso De La Vega, 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 April 28, 2021.

It is so ORDERED on March 29, 2021.



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

DEFAULT DECISION AND ORDER-LASO.DOCX
DOJ Matter ID:LA2020603184

Attachment:
Exhibit A: Accusation

Exhibit A

Accusation

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11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 6948

13 **CHRISTIAN LASSO DE LA VEGA**
14 **10541 Kewen Ave**
Pacoima, CA 91331

ACCUSATION

15 **Pharmacy Technician Registration No. TCH**
16 **146504**

17 Respondent.

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19 **PARTIES**

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

22 2. On or about March 19, 2015, the Board of Pharmacy issued Pharmacy Technician
23 Registration Number TCH 146504 to Christian Lasso De La Vega (“Respondent”). The
24 Pharmacy Technician Registration was in full force and effect at all times relevant to the charges
25 brought herein and will expire on January 31, 2021, unless renewed. Respondent Pharmacy
26 Technician Registration is restricted pursuant to an Interim Suspension Order.

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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. Section 4300 of the Code states:

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

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

(1) Suspending judgment.

(2) Placing him or her upon probation.

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

(4) Revoking his or her license.

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

...

(d) The board may initiate disciplinary proceedings to revoke or suspend any probationary certificate of licensure for any violation of the terms and conditions of probation. Upon satisfactory completion of probation, the board shall convert the probationary certificate to a regular certificate, free of conditions.

(e) The proceedings under this article shall be conducted in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of the Government Code, and the board shall have all the powers granted therein. The action shall be final, except that the propriety of the action is subject to review by the superior court pursuant to Section 1094.5 of the Code of Civil Procedure.

5. Section 4300.1 of the Code 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.

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A person shall not possess any controlled substance, except that furnished to a person upon the prescription of a physician, dentist, podiatrist, optometrist, veterinarian, or naturopathic doctor pursuant to Section 3640.7, or furnished pursuant to a drug order issued by a certified nurse-midwife pursuant to Section 2746.51, a nurse practitioner pursuant to Section 2836.1, a physician assistant pursuant to Section 3502.1, a naturopathic doctor pursuant to Section 3640.5, or a pharmacist pursuant to Section 4052.1, 4052.2, or 4052.6. This section does not apply to the possession of any controlled substance by a manufacturer, wholesaler, third-party logistics provider, pharmacy, pharmacist, physician, podiatrist, dentist, optometrist, veterinarian, naturopathic doctor, certified nurse-midwife, nurse practitioner, or physician assistant, if in stock in containers correctly labeled with the name and address of the supplier or producer.

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 shall include, but is not limited to, any of the following:

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

(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.

Any person who, while on duty, sells, dispenses or compounds any drug while under the influence of any dangerous drug or alcoholic beverages shall be guilty of a misdemeanor.

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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 licentiate found to have committed a violation or violations of
4 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
5 enforcement of the case.

6 **CONTROLLED SUBSTANCES / DANGEROUS DRUGS**

7 11. Section 4022 of the Code states

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

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

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

14 (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.

15 12. Marijuana ("Cannabis") is a hallucinogenic Schedule I controlled substance as
16 defined in Health and Safety Code section 11054(d)(13) and a dangerous drug according to
17 Business and Professions Code section 4022.

18 **FACTUAL ALLEGATIONS**

19 13. On or about November 21, 2019, the Board received an e-mail from PharmaRx
20 Pharmacist in Charge, B.I. ("PIC B.I.") stating that Respondent admitted to occasionally smoking
21 marijuana during his work shift. PIC B.I. stated that Respondent was assigned the graveyard shift
22 and the primary pharmacist reported that Respondent sometimes came back from meal break
23 smelling like marijuana with bloodshot eyes, appearing disoriented and poorer work performance.
24 PIC B.I. also stated that an incident was reported to pharmacist and co-owner R.A. ("RPH R.A.")
25 who interviewed Respondent on November 7, 2019. PIC B.I. also stated that Respondent was
26 asked if he ever smoked marijuana during his work shift, he confirmed that on occasion he did.
27 B.I. also stated that Respondent was suspended from employment and then terminated on
28 November 19, 2019.

14. On or about November 6, 2019, Pharmacist A.H.N. (“RPH A.H.N.”) stated that she brought to RPH R.A. attention that she was concerned and noticed on multiple occasions Respondent smelled like weed when he returned from his break and it caused the vestibule of the pharmacy to smell like weed and his behavior were erratic. RPH A.H.N. also stated that she notice his eyes were dilated and he also does not understand instructions while he is high and he also does not follow policy and procedures.

15. On or about November 15, 2019, RPH R.A. stated that RPH A.H.N. spoke to him in his office about her concerns regarding Respondent. RPH R.A. also stated that the next day he called Respondent into his office and told him individuals noticed a special scent from his clothing and when he returned from his meal break his eyes were almost closed and he didn't follow the pharmacists' directions. RPH R.A. also stated that he asked Respondent if he smoked drugs while at work and he replied 'yes'. On or about November 22, 2019, RPH R.A. terminated Respondent from employment.

16. On or about January 21, 2020, Board Inspector K.S. ("Board Inspector") interviewed Respondent. Respondent stated that he only smoked occasionally, but never at work except the one evening on November 7, 2019. Respondent also stated that he was careful not to work while impaired, however during his lunch break on November 7, 2019, something at work must have happened to upset him and he smoked to help himself calm down. Respondent also stated that RPH R.A. called him into his office he was honest and told him he smoked the night before during his meal break. Respondent also stated that he was recently hired through an employment agency to work at Olive View Hospital.

FIRST CAUSE FOR DISCIPLINE

(Unprofessional Conduct)

17. Respondent is subject to disciplinary action under section 4301, subdivision (h), in that Respondent committed acts of unprofessional conduct and/ or violated provisions of the licensing chapter in that by Respondent own admission, he admitted to his employer that he smoked marijuana during his meal break on November 7, 2019, as more particularly set forth above in paragraphs 13, 14, 15 and 16.

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

DATED: 12/24/2020

Signature on File

ANNE SODERGREN
Executive Officer
Board of Pharmacy
Department of Consumer Affairs
State of California
Complainant

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