

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

**In the Matter of the Accusation Against:**

**EDWIN A. ARINDUQUE, Respondent**

**Pharmacy Technician License No. TCH 11744**

**Agency Case No. 7560**

**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 February 7, 2024.

It is so ORDERED on January 8, 2024.

BOARD OF PHARMACY  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

By



Seung W. Oh, Pharm.D.  
Board President

1 ROB BONTA  
Attorney General of California  
2 GREGORY J. SALUTE  
Supervising Deputy Attorney General  
3 STEPHEN A. ARONIS  
Deputy Attorney General  
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*Attorneys for Complainant*

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

12 In the Matter of the Accusation Against:

Case No. 7560

13 **EDWIN A. ARINDUQUE**  
14 **1597 Sherbrooke St.**  
**San Diego, CA 92139**

**STIPULATED SURRENDER OF  
LICENSE AND ORDER**

15 **Pharmacy Technician License No. TCH**  
16 **11744**

17 Respondent.

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

22 **PARTIES**

23 1. Anne Sodergren (Complainant) is the Executive Officer of the Board of Pharmacy  
24 (Board). She brought this action solely in her official capacity and is represented in this matter by  
25 Rob Bonta, Attorney General of the State of California, by Stephen A. Aronis, Deputy Attorney  
26 General.

27 2. Edwin A. Arinduque (Respondent) is represented in this proceeding by attorney  
28 Heather A. Melone, whose address is: 8080 La Mesa Blvd. #103, La Mesa, CA 91942.





**ORDER**

IT IS HEREBY ORDERED that Pharmacy Technician License No. TCH 11744, issued to Respondent Edwin A. Arinduque, is surrendered and accepted by the Board.

1. The surrender of Respondent's Pharmacy Technician License 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 he is able to locate it, his wall certificate on or before the effective date of the Decision and Order, or whenever he is able to locate the wall certificate.

4. Respondent may not apply for licensure or reinstatement of his license as a pharmacy technician until three (3) years have passed from the effective date of this Decision in Order. If he ever applies for licensure or petitions for reinstatement in the State of California, the Board shall treat it as a new application for licensure. Respondent must comply with all the laws, regulations and procedures for licensure in effect at the time the application or petition is filed, and all of the charges and allegations contained in Accusation No. 7560 shall be deemed to be true, correct and admitted by Respondent when the Board determines whether to grant or deny the application or petition.

5. Respondent shall pay the agency its costs of investigation and enforcement in the amount of \$4,000 prior to applying for a new or reinstated license. No such application shall be considered until full payment is made.

6. 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. 7560 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.

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**ACCEPTANCE**

I have carefully read the above Stipulated Surrender of License and Order and have fully discussed it with my attorney Heather A. Melone. I understand the stipulation and the effect it will have on my Pharmacy Technician License. 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: \_\_\_\_\_  
EDWIN A. ARINDUQUE  
*Respondent*

I have read and fully discussed with Respondent Edwin A. Arinduque the terms and conditions and other matters contained in this Stipulated Surrender of License and Order. I approve its form and content.

DATED: \_\_\_\_\_  
HEATHER A. MELONE  
*Attorney for 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,  
ROB BONTA  
Attorney General of California  
GREGORY J. SALUTE  
Supervising Deputy Attorney General

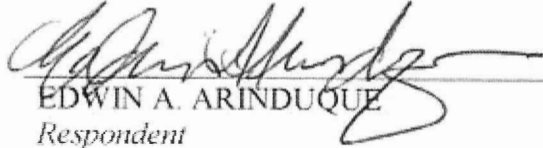
STEPHEN A. ARONIS  
Deputy Attorney General  
*Attorneys for Complainant*

SD2023801554

1 ACCEPTANCE

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

7 DATED: 12/5/23

8   
EDWIN A. ARINDUQUE  
Respondent

9  
10 I have read and fully discussed with Respondent Edwin A. Arinduque the terms and  
11 conditions and other matters contained in this Stipulated Surrender of License and Order. I  
12 approve its form and content.

13 DATED: 12/6/2023

14   
HEATHER A. MELONE  
Attorney for Respondent

15  
16 ENDORSEMENT

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

19  
20 DATED: December 8, 2023

21 Respectfully submitted,

22 ROB BONTA  
Attorney General of California  
23 GREGORY J. SALUTE  
Supervising Deputy Attorney General

24 

25 STEPHEN A. ARONIS  
Deputy Attorney General  
26 Attorneys for Complainant

27 SD2023801554

**Exhibit A**

**Accusation No. 7560**

1 ROB BONTA  
Attorney General of California  
2 GREGORY J. SALUTE  
Supervising Deputy Attorney General  
3 STEPHEN A. ARONIS  
Deputy Attorney General  
4 State Bar No. 204995  
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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. 7560

14 **EDWIN A. ARINDUQUE**  
15 **1597 Sherbrooke St.**  
**San Diego, CA 92139**

**ACCUSATION**

16 **Pharmacy Technician License No.**  
17 **TCH 11744**

Respondent.

18  
19  
20 **PARTIES**

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

23 2. On or about February 15, 1994, the Board issued Pharmacy Technician License  
24 Number TCH 11744 to Edwin A. Arinduque (Respondent). The Pharmacy Technician License  
25 was in full force and effect at all times relevant to the charges brought herein and will expire on  
26 January 31, 2024, unless 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), states: "Every licensed issued may be suspended  
6 or revoked."

7 5. Code section 4300.1 states:

8 The expiration, cancellation, forfeiture, or suspension of a board-issued license  
9 by operation of law or by order or decision of the board or a court of law, the placement  
10 of a license on a retired status, or the voluntary surrender of a license by a licensee shall  
11 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.

12 **STATUTORY PROVISIONS**

13 6. Code section 4301 states:

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

16 ...

17 (h) The administering to oneself, of any controlled substance, or the use of any  
18 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  
19 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.

20 ...

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

23 ...

24 (o) Violating or attempting to violate, directly or indirectly, or assisting in or  
25 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  
26 agency.

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1 **COST RECOVERY**

2 7. Code section 125.3 states, in pertinent part, that the Board may request the licensee to  
3 pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

4 **DRUG**

5 8. Marijuana is a Schedule I controlled substance pursuant to Health and Safety Code  
6 section 11054, subdivision (d)(13).

7 **FACTUAL ALLEGATIONS**

8 9. At all times relevant herein, Respondent was licensed as a pharmacy technician and  
9 employed as a Pharmacy Buyer at Sharp Mary Birch Hospital (Sharp) located in San Diego,  
10 California. Respondent was responsible for the procurement of medications, inventory  
11 management, re-stocking, ordering supplies and invoice processing and reconciliation and had  
12 been in this position for about eight years.

13 10. During a work shift on March 9, 2023, the lead pharmacy technician at Sharp, N.P.,  
14 contacted Respondent by phone to discuss Schedule II controlled substance forms that needed to  
15 be checked for accuracy. During the call, N.P. noticed that Respondent sounded confused. This  
16 seemed unusual to N.P. as the task was routinely performed by Respondent. Shortly after, N.P.  
17 and the Operations Supervisor, M.Y., went to Respondent's office. Upon entering, they noticed  
18 the strong odor of marijuana inside Respondent's office. The Pharmacist-in Charge was notified  
19 and a meeting was setup for Respondent and Sharp's Human Resources (HR) Manager and HR  
20 Director.

21 11. During the meeting with HR, Respondent was informed that he was called in because  
22 of the suspicion he was under the influence of marijuana while working. Respondent denied  
23 using marijuana on this date, but acknowledged using marijuana in the evening at home several  
24 times per week.<sup>1</sup> Respondent stated that the last time he used marijuana was the night before to  
25 help him sleep. Respondent was asked to submit to a for-cause drug test and Respondent initially

26 \_\_\_\_\_  
27 <sup>1</sup> Proposition 64, also referred to as *The Adult Use of Marijuana Act*, legalized marijuana  
28 use for adults 21 and over in California. While Prop 64 allows for the responsible adult use of  
marijuana in a private setting, it does not allow for use in any public place or anywhere where  
tobacco use is prohibited.

1 agreed. However, Respondent later refused to submit to the drug test and instead, provided his  
2 resignation effective March 9, 2023.

3 12. On April 18, 2023, a Board investigator took Respondent's statement by telephone.  
4 Respondent told the investigator that he used marijuana three to four times per week in the  
5 evening, as needed, to help with his sleep as well as other medical conditions. Respondent denied  
6 ever smoking marijuana while at work. Respondent further stated that he refused the drug test  
7 with Sharp because he knew it would come back positive and chose instead to resign and retire.  
8 On April 24, 2023, Respondent provided a written letter to the Board's investigator requesting to  
9 cancel his pharmacy technician license and stated that he has no plans to work in the pharmacy  
10 field in the future.

11 **FIRST CAUSE FOR DISCIPLINE**

12 **(Unlawful Use of Marijuana)**

13 13. Respondent has subjected his registration to disciplinary action under Code section  
14 4301, subdivision (h), for unprofessional conduct, because as more fully set forth, above,  
15 Respondent unlawfully used Marijuana to the extent that it impaired his ability to conduct with  
16 safety to the public his practice as a pharmacy technician.

17 **SECOND CAUSE FOR DISCIPLINE**

18 **(Violation of State Laws Governing Controlled Substances)**

19 14. Respondent has subjected his registration to disciplinary action under Code section  
20 4301, subdivision (j), for unprofessional conduct, because he knowingly violated state laws  
21 governing controlled substances, as more fully set forth, above.

22 **THIRD CAUSE FOR DISCIPLINE**

23 **(Violation of State Laws Governing Pharmacy)**

24 15. Respondent has subjected his registration to disciplinary action under Code section  
25 4301, subdivision (o), for unprofessional conduct, because he knowingly violated state laws and  
26 regulations governing pharmacy, as more fully set forth, above.

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**PRAYER**

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

1. Revoking or suspending Pharmacy Technician License Number TCH 11744, issued to Respondent Edwin A. Arinduque;

2. Ordering Respondent Edwin A. Arinduque to pay the Board of Pharmacy the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3; and,

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

DATED: 9/14/2023

Sodergren,  
Anne@DCA  
ANNE SODERGREN  
Executive Officer  
Board of Pharmacy  
Department of Consumer Affairs  
State of California  
*Complainant*

Digitally signed by  
Sodergren, Anne@DCA  
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