

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

In the Matter of the Accusation Against:

Case No. 7860

JEROME VINCENT LAVARIAS
40445 Robin St
Fremont, CA 94538

DEFAULT DECISION AND ORDER

**Pharmacy Technician License No. TCH
171096**

[Gov. Code, §11520]

Respondent.

FINDINGS OF FACT

1. On or about October 6, 2024, Complainant Anne Sodergren, in her official capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs, filed Accusation No. 7860 against Jerome Vincent Lavarias (Respondent) before the Board of Pharmacy. (Accusation attached as Exhibit A.)

2. On or about July 3, 2019, the Board of Pharmacy (Board) issued Pharmacy Technician License No. TCH 171096 to Respondent. The Pharmacy Technician License expired on June 4, 2023, and has not been renewed.

1 3. On or about October 15, 2024, Respondent was served by Certified and First-Class
2 Mail copies of the Accusation No. 7860, 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: 40445 Robin St., Fremont, CA 94538.

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
13 . . . shall constitute a waiver of respondent's right to a hearing, but the agency in its
14 discretion may nevertheless grant a hearing.

15 6. The Board takes official notice of its records and the fact that Respondent failed to
16 file a Notice of Defense within 15 days after service upon him of the Accusation, and therefore
17 waived his right to a hearing on the merits of Accusation No. 7860.

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

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

23 8. Pursuant to its authority under Government Code section 11520, the Board finds
24 Respondent is in default. The Board will take action without further hearing and, based on the
25 relevant evidence contained in the Default Decision Investigatory Evidence Packet in this matter,
26 finds that the charges and allegations in Accusation No. 7860, are separately and severally, found
27 to be true and correct by clear and convincing evidence.

28 9. The Board finds that the actual costs for Investigation and Enforcement are \$3,844.00
29 as of November 12, 2024.

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DETERMINATION OF ISSUES

1. Based on the foregoing findings of fact, Respondent Jerome Vincent Lavarias has subjected his Pharmacy Technician License No. TCH 171096 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 License 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) (Dangerous or Injurious Use of Alcohol);

b. Business and Professions Code section 4301, subdivision (k) (Conviction of Misdemeanors Involving Consumption of Alcohol);

c. Business and Professions Code section 4301, subdivision (l) (Conviction of Substantially Related Crimes).

ORDER

IT IS SO ORDERED that Pharmacy Technician License No. TCH 171096, issued to Respondent Jerome Vincent Lavarias, 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 at 5:00 p.m. on February 12, 2025.

It is so ORDERED on January 13, 2025.

George W. Bush

Seung W. Oh, Pharm.D.
Board President
FOR THE BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS

91921380/OK2024900252

Attachment: Exhibit A: Accusation

Exhibit A

Accusation

(JEROME VINCENT LAVARIAS)

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

In the Matter of the Accusation Against:

Case No. 7860

**JEROME VINCENT LAVARIAS
40445 Robin St
Fremont, CA 94538**

ACCUSATION

**Pharmacy Technician License No. TCH
171096**

Respondent.

PARTIES

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

2. On or about July 3, 2019, the Board of Pharmacy issued Pharmacy Technician License Number TCH 171096 to Jerome Vincent Lavarias (Respondent). The Pharmacy Technician License expired on October 31, 2022, and was canceled on June 4, 2023.

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JURISDICTION

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

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

5. Section 4300.1 of the Code provides that the expiration, cancellation, forfeiture, or suspension of a Board-issued license, 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. Section 4301 of the Code states, in pertinent 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 shall include, but is not limited to, any of the following:

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(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.

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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

1 chapter. A plea or verdict of guilty or a conviction following a plea of nolo
2 contendere is deemed to be a conviction within the meaning of this provision. The
3 board may take action when the time for appeal has elapsed, or the judgment of
4 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 their 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.

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6 7. Section 4307 of the Code states:

7 (a) Any person who has been denied a license or whose license has been
8 revoked or is under suspension, or who has failed to renew his or her license while it
9 was under suspension, or who has been a manager, administrator, owner, member,
10 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
11 has been denied or revoked, is under suspension or has been placed on probation, and
12 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:

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

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

17 (b) Manager, administrator, owner, member, officer, director, associate,
18 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.

COST RECOVERY

20 8. Section 125.3 of the Code states, in pertinent part, that the Board may request the
21 administrative law judge to direct a licentiate found to have committed a violation or violations of
22 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
23 enforcement of the case.

FACTUAL ALLEGATIONS

August 14, 2022 – DUI Arrest and Conviction

24 9. On August 14, 2022, at approximately 2:16 a.m., an officer from the Sunnyvale
25 Police Department was parked in a parking lot outside of several nightclubs in Sunnyvale,
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1 California, when he overheard a vehicle collision. The officer heard people yelling and then saw
2 a vehicle speed out of a nearby parking lot. As the vehicle travelled past the officer, the officer
3 heard plastic dragging underneath the vehicle. The officer pulled the vehicle over to conduct an
4 enforcement stop.

5 10. Upon contacting the driver, whom he identified as Respondent, the officer noticed
6 that Respondent had blood shot watery eyes, slurred speech, and smelled like alcohol. The
7 officer asked Respondent how he lost the bumper to his vehicle, and Respondent said that if he
8 had hit anything, he was unaware. Respondent admitted that he had consumed one large beer and
9 a shot of tequila while at a club that evening. The officer administered a series of field sobriety
10 tests to Respondent, which he failed. A preliminary alcohol screening revealed that Respondent
11 had a blood alcohol content of .152% and .153%. Respondent was arrested for driving under the
12 influence. Respondent later submitted to a chemical breath test, which indicated that Respondent
13 had a blood alcohol content of .14%.

14 11. On November 14, 2022, in a criminal matter entitled “*The People of the State of*
15 *California v. Jerome Vincent Lavarias*,” in the Santa Clara County Superior Court, Case No.
16 B2202609, Respondent was convicted by plea of nolo contendre to driving with a blood alcohol
17 content of .08% or higher in violation of Vehicle Code section 23152, subdivision (b), a
18 misdemeanor. Respondent was placed on probation for three years and was sentenced to serve
19 six days in jail, enroll in and complete a 3-month first offender DUI program, and pay fees and
20 fines.

21 **December 8, 2022 – DUI Arrest and Conviction**

22 12. On December 8, 2022, at approximately 1:13 a.m., a California Highway Patrol
23 (CHP) officer (Officer 1) received a report of a vehicle stopped in the number 2 lane on Interstate
24 680. Officer 1 approached the vehicle and saw a person, later identified as Respondent, passed
25 out in the driver’s seat. Another CHP officer (Officer 2) approached the driver’s side door while
26 Officer 1 went to the passenger side door. Officer 2 awoke Respondent by tapping him on the
27 shoulder. Respondent woke up, grabbed the steering wheel, and attempted to shift the vehicle into
28 drive. Officer 2 grabbed Respondent and Officer 1 assisted him from the passenger side with

removing Respondent from the vehicle. The officers placed Respondent in handcuffs. Officer 1 moved the vehicle to the right-hand shoulder of the freeway. Respondent said he was driving from Fremont to Lathrop, and that he had consumed two large beers before driving. Officer 1 smelled alcohol on Respondent, and he failed all his field sobriety tests. A license check also revealed that Respondent's license was suspended and that he was on probation for a driving under the influence conviction. Respondent was arrested for driving under the influence of alcohol. Respondent was transported to Santa Rita Jail and administered a breath test that showed he had a blood alcohol content of .15%.

13. On January 17, 2024, in a criminal matter entitled "*The People of the State of California v. Jerome Vincent Lavarias*," in the Alameda County Superior Court, Case No. 23-CR-003074, Respondent was convicted by plea of no contest of driving with a blood alcohol content of .08% or higher, in violation of Vehicle Code section 23152, subdivision (b), a misdemeanor. Respondent was placed on probation for three years and was sentenced to serve ten days in jail, enroll in and complete an 18-month multiple offender DUI program, and pay fees and fines.

FIRST CAUSE FOR DISCIPLINE

(Dangerous or Injurious Use of Alcohol)

14. Respondent has subjected his Pharmacy Technician's License to discipline under Code section 4301, subdivision (h), in that he used alcohol in a dangerous or injurious manner. The circumstances are set forth in paragraphs 9 through 13, above.

SECOND CAUSE FOR DISCIPLINE

(Conviction of Misdemeanors Involving Consumption of Alcohol)

15. Respondent has subjected his Pharmacy Technician's License to discipline under Code section 4301, subdivision (k), in that he was convicted of misdemeanors involving the consumption of alcohol. The circumstances are set forth in paragraphs 9 through 13, above.

THIRD CAUSE FOR DISCIPLINE

(Conviction of Substantially Related Crimes)

16. Respondent has subjected his Pharmacy Technician's License to discipline under Code section 4301, subdivision (l), in that he was convicted of crimes substantially related to the

1 qualifications, duties, and functions of a pharmacy technician. The circumstances are set forth in
2 paragraphs 9 through 13, above.

3 **OTHER MATTERS**

4 17. Pursuant to Code section 4307, if discipline is imposed in the Accusation against
5 Pharmacy Technician License Number TCH 171096, issued to Jerome Vincent Lavarias, then
6 Jerome Vincent Lavarias shall be prohibited from serving as a manager, administrator, owner,
7 member, officer, director, associate, or partner of a licensee for five years if Pharmacy Technician
8 License Number TCH 171096 is placed on probation or until Pharmacy Technician License
9 Number TCH 171096 is reinstated if it is revoked.

10 **PRAYER**

11 WHEREFORE, Complainant requests that a hearing be held on the matters alleged in this
12 Accusation, and that following the hearing, the Board of Pharmacy issue a decision:

13 1. Revoking Pharmacy Technician License Number TCH 171096, issued to Jerome
14 Vincent Lavarias;

15 2. Prohibiting Jerome Vincent Lavarias from serving as a manager, administrator,
16 owner, member, officer, director, associate, or partner of a licensee for five years if Pharmacy
17 Technician License Number TCH 171096 is placed on probation or until Pharmacy Technician
18 License Number TCH 171096 is reinstated if Pharmacy Technician License Number TCH
19 171096 issued to Jerome Vincent Lavarias is revoked;

20 3. Ordering Jerome Vincent Lavarias to pay the Board of Pharmacy the reasonable costs
21 of the investigation and enforcement of this case, pursuant to Business and Professions Code
22 section 125.3; and, if placed on probation, the costs of probation monitoring; and,

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1 4. Taking such other and further action as deemed necessary and proper.
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4 DATED: 10/6/2024

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7 **Sodergren,
8 Anne@DCA**

Digitally signed by
Sodergren, Anne@DCA
Date: 2024.10.06
14:51:52 -07'00'

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

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