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

11 In the Matter of the Accusation Against:

Case No. 3812

12 **CHRISTOPHER JASON FARAJ**
3256 Milton St.
13 Pasadena, CA 91107

A C C U S A T I O N

14 Pharmacy Technician License No. TCH 51762

15 Respondent.

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18 Complainant alleges:

19 **PARTIES**

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

22 2. On or about November 24, 2003, the Board issued Pharmacy Technician License
23 No. TCH 51762 to Christopher Jason Faraj (Respondent). The Pharmacy Technician License was
24 in full force and effect at all times relevant to the charges brought herein and will expire on
25 September 30, 2011, unless renewed.

26 **JURISDICTION**

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

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

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3 "(f) The commission of any act involving moral turpitude, dishonesty, fraud, deceit, or
4 corruption, whether the act is committed in the course of relations as a licensee or otherwise, and
5 whether the act is a felony or misdemeanor or not.

6 "(g) Knowingly making or signing any certificate or other document that falsely
7 represents the existence or nonexistence of a state of facts.

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

13

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

16 "(k) The conviction of more than one misdemeanor or any felony involving the use,
17 consumption, or self-administration of any dangerous drug or alcoholic beverage, or any
18 combination of those substances.

19 "(l) The conviction of a crime substantially related to the qualifications, functions, and
20 duties of a licensee under this chapter. . . ."

21 **REGULATORY PROVISION**

22 9. California Code of Regulations, title 16, section 1770 states:

23 "For the purpose of denial, suspension, or revocation of a personal or facility license
24 pursuant to Division 1.5 (commencing with Section 475) of the Business and Professions Code, a
25 crime or act shall be considered substantially related to the qualifications, functions or duties of a
26 licensee or registrant if to a substantial degree it evidences present or potential unfitness of a
27 licensee or registrant to perform the functions authorized by his license or registration in a manner
28 consistent with the public health, safety, or welfare."

DRUG STATUTES

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2 10. Health and Safety Code section 11170 states that “[n]o person shall prescribe,
3 administer, or furnish a controlled substance for himself.”

4 11. Health and Safety Code section 11173, subdivision (a), states that “[n]o person shall
5 obtain or attempt to obtain controlled substances, or procure or attempt to procure the
6 administration of or prescription for controlled substances, (1) by fraud, deceit, misrepresentation,
7 or subterfuge; or (2) by the concealment of a material fact.”

8 12. Health and Safety Code section 11350, subdivision (a), states:

9 “Except as otherwise provided in this division, every person who possesses (1) any
10 controlled substance specified in subdivision (b) or (c), or paragraph (1) of subdivision (f) of
11 Section 11054, specified in paragraph (14), (15), or (20) of subdivision (d) of Section 11054, or
12 specified in subdivision (b) or (c) of Section 11055, or specified in subdivision (h) of
13 Section 11056, or (2) any controlled substance classified in Schedule III, IV, or V which is a
14 narcotic drug, unless upon the written prescription of a physician, dentist, podiatrist, or
15 veterinarian licensed to practice in this state, shall be punished by imprisonment in the state
16 prison.”

17 13. Health and Safety Code section 11377, subdivision (a), states:

18 “Except as authorized by law and as otherwise provided in subdivision (b) or Section 11375, or in
19 Article 7 (commencing with Section 4211) of Chapter 9 of Division 2 of the Business and
20 Professions Code, every person who possesses any controlled substance which is (1) classified in
21 Schedule III, IV, or V, and which is not a narcotic drug, (2) specified in subdivision (d) of
22 Section 11054, except paragraphs (13), (14), (15), and (20) of subdivision (d), (3) specified in
23 paragraph (11) of subdivision (c) of Section 11056, (4) specified in paragraph (2) or (3) of
24 subdivision (f) of Section 11054, or (5) specified in subdivision (d), (e), or (f) of Section 11055,
25 unless upon the prescription of a physician, dentist, podiatrist, or veterinarian, licensed to practice
26 in this state, shall be punished by imprisonment in a county jail for a period of not more than one
27 year or in the state prison.”

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1 **COST RECOVERY**

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

6 **CONTROLLED SUBSTANCES/ DANGEROUS DRUGS**

7 15. Marijuana (Cannabis) is a Schedule I controlled substance as defined in Health and
8 Safety Code section 11054(d)(13), and is categorized as a dangerous drug according to
9 section 4022.

10 16. Methamphetamine is a Schedule II controlled substance as defined in Health and
11 Safety Code section 11055(d)(2), and is categorized as a dangerous drug pursuant to
12 section 4022.

13 17. OxyContin, a brand name formation of oxycodone hydrochloride, is a Schedule II
14 controlled substance as defined in Health and Safety Code section 11055(b)(1), and is categorized
15 as a dangerous drug pursuant to section 4022.

16 18. Vicodin, a trade names for the narcotic substance hydrocodone with acetaminophen,
17 is a Schedule III controlled substance as defined in Health and Safety Code section 11056(e)(4),
18 and is categorized as a dangerous drug pursuant to section 4022.

19 **FIRST CAUSE FOR DISCIPLINE**

20 **(Convictions of Substantially Related Crimes)**

21 19. Respondent is subject to disciplinary action under section 490, 4300 and 4301,
22 subdivision (l), in conjunction with California Code of Regulations, title 16, section 1770, on the
23 grounds of unprofessional conduct, in that Respondent was convicted of crimes substantially
24 related to the qualifications, functions or duties of a registered pharmacy technician which to a
25 substantial degree evidence his present or potential unfitness to perform the functions authorized
26 by his registration in a manner consistent with the public health, safety, or welfare, as follows:

27 a. On or about February 2, 2011, after pleading nolo contendere, Respondent was
28 convicted of one felony count of violating Health and Safety Code section 11351

1 [possession/purchase controlled substances for sale] in the criminal proceeding entitled *The*
2 *People of the State of California v. Christopher Jason Faraj* (Super. Ct. Los Angeles
3 County, 2010, No. GA081070). The Court sentenced Respondent to 240 days in jail, placed him
4 on three (3) years of probation, ordered him to register as a narcotics offender, ordered him to
5 supply biological samples, and ordered him to participate in a drug rehabilitation program.

6 b. The circumstances underlying the conviction are that on or about September 2, 2010,
7 Respondent admitted to “smoke meth,” hang out at a known drug dealer’s residence, and he
8 “bartered” for methamphetamine.

9 c. On or about February 2, 2011, after pleading nolo contendere, Respondent was
10 convicted of one felony count of violating Health and Safety Code section 11351
11 [possession/purchase controlled substances for sale] in the criminal proceeding entitled *The*
12 *People of the State of California v. Christopher Jason Faraj* (Super. Ct. Los Angeles
13 County, 2010, No. BA370484). The Court sentenced Respondent to 240 days in jail, placed him
14 on three (3) years of probation, ordered him to register as a narcotics offender, ordered him to
15 supply biological samples, and ordered him to participate in a drug rehabilitation program.

16 d. The circumstances underlying the conviction are that on or about April 19, 2010,
17 Respondent during a child custody domestic dispute was found in possession of controlled
18 substances and dangerous drugs, without valid prescriptions, as follows:

- 19 i. Methamphetamine, separate containers of 6.20 grams and 0.70 grams;
- 20 ii. Oxycontin, 20 pills;
- 21 iii. Vicodin, 30 pills;
- 22 iv. Glass pipe with methamphetamine residue;
- 23 v. Electronic Scale, black, digital and portable;
- 24 vi. Ziploc bags, approximately 200;
- 25 vii. Brown pouch containing drugs and paraphernalia;
- 26 viii. Pellet gun; and
- 27 ix. Black/silver Metal Case containing drugs and drug sale paraphernalia.

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1 e. On or about May 20, 2005, after pleading nolo contender, Respondent was convicted
2 of one misdemeanor count of violating Penal Code section 647(a) [engaging in lewd conduct] in
3 the criminal proceeding entitled *The People of the State of California V. Christopher Jason Faraj*
4 (Super. Ct. Los Angeles County, 2005, No. 5JM02876). The Court placed Respondent on
5 three (3) years probation, ordered him to complete 20 days of community service in lieu of fines,
6 and ordered him to complete a 6-month sexual compulsive deviancy program.

7 f. The circumstances underlying the conviction are that on or about February 28, 2005,
8 two (2) female Del Taco drive thru attendants viewed Respondent as a front seat passenger fondle
9 the driver.

10 g. On or about March 5, 2003, after pleading nolo contendere, Respondent was
11 convicted of one misdemeanor count of violating Health and Safety Code section 11357(b)
12 [possession of not more than 28.5 grams of marijuana] in the criminal proceeding entitled *The*
13 *People of the State of California v. Christopher Jason Faraj* (Super. Ct. Los Angeles
14 County, 2003, No. 3JM01173). The Court ordered Respondent to complete 60 hours of
15 community service, and pay fines and restitution.

16 h. The circumstances underlying the conviction are that on or about December 29, 2002,
17 Respondent was found in possession of marijuana without a valid prescription.

18 i. On or about November 8, 2001, after pleading nolo contendere, Respondent was
19 convicted of one interlineated misdemeanor count of violating Vehicle Code section 23103(a)
20 [reckless driving] in the criminal proceeding entitled *The People of the State of California v.*
21 *Christopher Jason Faraj* (Super. Ct. Los Angeles County, 2001, No. 1SA02143). The Court
22 sentenced Respondent to two (2) years of probation, and ordered him to complete a 3-month
23 First Offender Alcohol/Drug Program.

24 j. The circumstances underlying the conviction are that on or about June 12, 2001,
25 Respondent, age 19, while at Monrovia High School parking lot was found in possession of
26 alcoholic beverages in his vehicle and driving with a tested blood alcohol of 0.08/0.09%.

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SECOND CAUSE FOR DISCIPLINE

(Convictions Involving Dangerous Drugs)

20. Respondent is subject to disciplinary action under sections 4300 and 4301, subdivision (k), in that on or about February 2, 2011, and on or about March 5, 2003, Respondent sustained misdemeanor convictions involving the use, consumption, or self-administration of dangerous drugs. Complainant refers to and by this reference incorporates the allegations set forth above in paragraph 19, subparagraphs a, c and g, inclusive, as though set forth fully.

THIRD CAUSE FOR DISCIPLINE

(Illegal Possession of Controlled Substances)

21. Respondent is subject to disciplinary action under sections 4300 and 4301, subdivision (j), in conjunction with section 4060, on the grounds of unprofessional conduct, in that on or about September 2, 2010, April 19, 2010, and December 29, 2002, Respondent was in possession of controlled substances and dangerous drugs, without valid prescriptions. Complainant refers to and by this reference incorporates the allegations set forth above in paragraph 19, subparagraphs b, d and h, inclusive, as though set forth fully.

FOURTH CAUSE FOR DISCIPLINE

(Dangerous Use of Controlled Substances)

22. Respondent is subject to disciplinary action under sections 4300 and 4301, subdivision (h), on the grounds of unprofessional conduct, in that Respondent administered to himself controlled substances, and / or used dangerous drugs/alcoholic beverages to the extent or in a manner as to be dangerous or injurious to himself or others. Complainant refers to and by this reference incorporates the allegations set forth above in paragraphs 19 - 21, inclusive, as though set forth fully.

FIFTH CAUSE FOR DISCIPLINE

(Violating Drug Statutes)

23. Respondent is subject to disciplinary action under sections 4300 and 4301, subdivision (j), on the grounds of unprofessional conduct, for violating provisions of the Health and Safety Code sections as follows:

1 a. Section 11170 for prescribing, administering and / or furnishing controlled substances
2 for himself.

3 b. Section 11173, subdivision (a), for obtaining controlled substances by fraud, deceit or
4 subterfuge.

5 c. Section 11350, subdivision (a), by possessing Marijuana, OxyContin and Vicodin,
6 narcotics and controlled substances.

7 d. Section 11351, for possessing controlled substances for sale.

8 e. Section 11357, subdivision (b), by possessing not more than 28.5 grams of marijuana.

9 f. Section 11377, subdivision (a), by possessing Methamphetamine, a controlled
10 substance.

11 Complainant refers to and by this reference incorporates the allegations set forth above in
12 paragraphs 19 - 21, inclusive, as though set forth fully.

13 **SIXTH CAUSE FOR DISCIPLINE**

14 (False Statement on Application for Licensure)

15 24. Respondent is subject to disciplinary action under section 4300 and 4301,
16 subdivision (g), on the grounds of unprofessional conduct, in that on or about June 17, 2003,
17 Respondent knowingly made or signed his initial application for licensure under penalty of
18 perjury to the truth and accuracy of all statements, answers and representations made in the
19 application by falsely representing a state of facts when he answered "No" to question No. 7:

20 7. Have you ever been convicted of or pled no contest to a violation of any law of
21 a foreign country, the United States or any state laws or local ordinances? You must
22 include all misdemeanor and felony convictions, regardless of the age of the
23 conviction, including those which have been set aside under Penal Code sections
24 1000 or 1203.4. Traffic violations of \$500 or less need not be reported. If "yes,"
25 attach an explanation including the type of violation, the date, circumstances, location
26 and the complete penalty received.

27 Respondent sustained two (2) criminal convictions on or about March 5, 2003 and
28 November 8, 2001. Complainant refers to and by this reference incorporates the allegations set

1 forth above in paragraph 19, subparagraphs g and i, inclusive, as though set forth fully.

2 **SEVENTH CAUSE FOR DISCIPLINE**

3 **(Acts Involving Moral Turpitude, Dishonesty, Fraud, Deceit, or Corruption)**

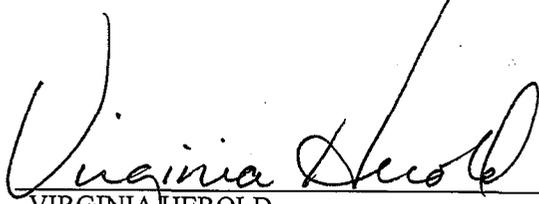
4 25. Respondent is subject to disciplinary action under sections 4300 and 4301,
5 subdivision (f), on the grounds of unprofessional conduct, in that Respondent committed acts
6 involving moral turpitude, dishonesty, fraud, deceit and / or corruption. Complainant refers to
7 and by this reference incorporates the allegations set forth above in paragraphs 19 - 24, inclusive,
8 as though set forth fully.

9 **PRAYER**

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

- 12 1. Revoking or suspending Pharmacy Technician License No. TCH 51762, issued to
13 Christopher Jason Faraj;
- 14 2. Ordering Christopher Jason Faraj to pay the Board the reasonable costs of the
15 investigation and enforcement of this case, pursuant to section 125.3;
- 16 3. Taking such other and further action as deemed necessary and proper.

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18
19 DATED: 4/27/11


20 VIRGINIA HEROLD
21 Executive Officer
22 Board of Pharmacy
23 Department of Consumer Affairs
24 State of California
25 Complainant

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