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

#### In the Matter of the Accusation Against:

#### **JACOB ALEXANDER SEMONES, Respondent**

#### Pharmacy Technician Registration No. TCH 172575

## Agency Case No. 7052

## **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 April 28, 2021.

It is so ORDERED on March 29, 2021.

BOARD OF PHARMACY DEPARTMENT OF CONSUMER AFFAIRS STATE OF CALIFORNIA

My n. Lippe

By

Greg Lippe Board President

1	XAVIER BECERRA			
2	Attorney General of California SHAWN P. COOK			
3	Supervising Deputy Attorney General ELAINE YAN Deputy Attorney General State Bar No. 277961			
4				
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7	E-mail: Elaine.Yan@doj.ca.gov Attorneys for Complainant			
8				
9	BEFORE THE BOARD OF PHARMACY			
10	DEPARTMENT OF CONSUMER AFFAIRS STATE OF CALIFORNIA			
11	STATE OF CALIFORNIA			
12	In the Matter of the Accusation Against: Case No. 7052			
13	JACOB ALEXANDER SEMONES 4171 Duquesne Ave., #A			
14	Culver City, CA 90232 STIPULATED SURRENDER OF LICENSE AND ORDER			
15	Pharmacy Technician Registration No. TCH 172575			
16	Respondent.			
17				
18	IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-			
19	entitled proceedings that the following matters are true:			
20	PARTIES			
21	1. Anne Sodergren (Complainant) is the Executive Officer of the Board of Pharmacy			
22	(Board). She brought this action solely in her official capacity and is represented in this matter by			
23	Xavier Becerra, Attorney General of the State of California, by Elaine Yan, Deputy Attorney			
24	General.			
25	2. Jacob Alexander Semones (Respondent) is representing himself in this proceeding			
26	and has chosen not to exercise his right to be represented by counsel.			
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	Stipulated Surrender of License (Case No. 7052)			

1	3. On or about June 7, 2019, the Board issued Pharmacy Technician Registration No.
2	TCH 172575 to Jacob Alexander Semones (Respondent). The Pharmacy Technician Registration
3	expired on July 31, 2020, and has not been renewed.
4	JURISDICTION
5	4. Accusation No. 7052 was filed before the Board, and is currently pending against
6	Respondent. The Accusation and all other statutorily required documents were properly served
7	on Respondent on February 16, 2021. Respondent timely filed his Notice of Defense contesting
8	the Accusation. A copy of Accusation No. 7052 is attached as Exhibit A and incorporated by
9	reference.
10	ADVISEMENT AND WAIVERS
11	5. Respondent has carefully read, and understands the charges and allegations in
12	Accusation No. 7052. Respondent also has carefully read, and understands the effects of this
13	Stipulated Surrender of License and Order.
14	6. Respondent is fully aware of his legal rights in this matter, including the right to a
15	hearing on the charges and allegations in the Accusation; the right to be represented by counsel, at
16	his own expense; the right to confront and cross-examine the witnesses against him; the right to
17	present evidence and to testify on his own behalf; the right to the issuance of subpoenas to compel
18	the attendance of witnesses and the production of documents; the right to reconsideration and
19	court review of an adverse decision; and all other rights accorded by the California
20	Administrative Procedure Act and other applicable laws.
21	7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and
22	every right set forth above.
23	<u>CULPABILITY</u>
24	8. Respondent admits the truth of each and every charge and allegation in Accusation
25	No. 7052, agrees that cause exists for discipline, and hereby surrenders his Pharmacy Technician
26	Registration No. TCH 172575 for the Board's formal acceptance.
27	9. Respondent understands that by signing this stipulation, he enables the Board to issue
28	an order accepting the surrender of his Pharmacy Technician Registration without further process.
	2
	Stipulated Surrender of License (Case No. 7052)

1	<u>CONTINGENCY</u>
2	10. This stipulation shall be subject to approval by the Board. Respondent understands
3	and agrees that counsel for Complainant and the staff of the Board may communicate directly
4	with the Board regarding this stipulation and surrender, without notice to or participation by
5	Respondent. By signing the stipulation, Respondent understands and agrees that he may not
6	withdraw his agreement or seek to rescind the stipulation prior to the time the Board considers
7	and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order, the
8	Stipulated Surrender and Disciplinary Order shall be of no force or effect, except for this
9	paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not
10	be disqualified from further action by having considered this matter.
11	11. The parties understand and agree that Portable Document Format (PDF) and facsimile
12	copies of this Stipulated Surrender of License and Order, including PDF and facsimile signatures
13	thereto, shall have the same force and effect as the originals.
14	12. This Stipulated Surrender of License and Order is intended by the parties to be an
15	integrated writing representing the complete, final, and exclusive embodiment of their agreement.
16	It supersedes any and all prior or contemporaneous agreements, understandings, discussions,
17	negotiations, and commitments (written or oral). This Stipulated Surrender of License and Order
18	may not be altered, amended, modified, supplemented, or otherwise changed except by a writing
19	executed by an authorized representative of each of the parties.
20	13. In consideration of the foregoing admissions and stipulations, the parties agree that
21	the Board may, without further notice or formal proceeding, issue and enter the following Order:
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23	///
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	Stipulated Surrander of Licence (Case No. 7052)

ORDER 1 IT IS HEREBY ORDERED that Pharmacy Technician Registration No. TCH 172575, 2 issued to Respondent Jacob Alexander Semones, is surrendered and accepted by the Board. 3 1. The surrender of Respondent's Pharmacy Technician Registration and the acceptance 4 of the surrendered license by the Board shall constitute the imposition of discipline against 5 Respondent. This stipulation constitutes a record of the discipline and shall become a part of 6 Respondent's license history with the Board. 7 2. Respondent shall lose all rights and privileges as a pharmacy technician in California 8 as of the effective date of the Board's Decision and Order. 9 3. 10 Respondent shall relinquish his Pharmacy Technician Registration, including any indicia of the registration issued by the Board, to the Board within ten (10) days of the effective 11 date of the Decision and Order. 12 4. Respondent may not apply, reapply, or petition for any licensure or registration of the 13 Board for three (3) years from the effective date of the Decision and Order. 14 5. If Respondent ever files an application for licensure or a petition for reinstatement in 15 the State of California, the Board shall treat it as a new application for licensure. Respondent 16 must comply with all the laws, regulations and procedures for licensure in effect at the time the 17 application or petition is filed, and all of the charges and allegations contained in Accusation No. 18 19 7052 shall be deemed to be true, correct and admitted by Respondent when the Board determines whether to grant or deny the application. Respondent shall satisfy all requirements applicable to 20 21 that license as of the date the application is submitted to the Board, including but not limited to, taking and passing licensing examination(s) as well as fulfilling any education or experience 22 requirements prior to the issuance of a new license. 23 24 6. Respondent shall pay the agency its costs of investigation and enforcement in the amount of \$5,160.50 prior to issuance of a new or reinstated license. 25 7. If Respondent should ever apply or reapply for a new license or certification, or 26 petition for reinstatement of a license, by any other health care licensing agency in the State of 27 California, all of the charges and allegations contained in Accusation No. 7052 shall be deemed to 28 4 Stipulated Surrender of License (Case No. 7052)

1	be true, correct, and admitted by Respondent for the purpose of any Statement of Issues or any	
2	other proceeding seeking to deny or restrict licensure.	
3	ACCEPTANCE	
4	I have carefully read the Stipulated Surrender of License and Order. I understand the	
5	stipulation and the effect it will have on my Pharmacy Technician Registration. I enter into this	
6	Stipulated Surrender of License and Order voluntarily, knowingly, and intelligently, and agree to	
7	be bound by the Decision and Order of the Board of Pharmacy.	
8	21.101	
9	DATED:	
10	JACOB ALEX AVDER SEMONES Respondent	
11		
12	<u>ENDORSEMENT</u>	
13	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.	
14		
15	DATED: <u>03/01/2021</u> Respectfully submitted,	
16	XAVIER BECERRA Attorney General of California	
17	SHAWN P. COSK Supervising Deputy Attorney General	
18		
19	ELAINFYAN	
20	Deputy Attorney General Attorneys for Complainant	
21	Miorneys for Complainant	
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	Stipulated Surrender of License (Case No. 7052)	

## Exhibit A

Accusation No. 7052

1	XAVIER BECERRA Attorney General of California		
2	SHAWN P. COOK Supervising Deputy Attorney General		
3	ELAINE YAN Deputy Attorney General		
4	State Bar No. 277961 300 So. Spring Street, Suite 1702		
5	Los Angeles, CA 90013 Telephone: (213) 269-6683		
6	Facsimile: (916) 731-2126 E-mail: Elaine.Yan@doj.ca.gov		
7	Attorneys for Complainant		
8	BEFOR	г тнг	
9	BOARD OF P	HARMACY	
10	DEPARTMENT OF CONSUMER AFFAIRS STATE OF CALIFORNIA		
11			
12	In the Matter of the Accusation Against:	Case No. 7052	
13	JACOB ALEXANDER SEMONES		
14	4171 Duquesne Ave., #A Culver City, CA 90232	ACCUSATION	
15	Pharmacy Technician Registration No. TCH		
16	172575		
17	Respondent.		
18			
19	PART	TIES	
20	1. Anne Sodergren (Complainant) brings	s 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 June 7, 2019, the Board of Pharmacy issued Pharmacy Technician		
23	Registration Number TCH 172575 to Jacob Alexa	nder Semones (Respondent). The Pharmacy	
24	Technician Registration expired on July 31, 2020,	and has not been renewed.	
25	JURISDICTION		
26	3. This Accusation is brought before the Board of Pharmacy (Board), Department of		
27	Consumer Affairs, under the authority of the follo	wing laws. All section references are to the	
28	Business and Professions Code (Code) unless otherwise indicated.		
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		(JACOB ALEXANDER SEMONES) ACCUSATION	

1	4. Section 4011 of the Code states:	
2	The board shall administer and enforce this chapter and the Uniform Controlled Substances	
3	Act (Division 10 (commencing with Section 11000) of the Health and Safety Code).	
4	5. Section 4300.1 of the Code states:	
5	The expiration, cancellation, forfeiture, or suspension of a board-issued license by operation	
6	of law or by order or decision of the board or a court of law, the placement of a license on a	
7	retired status, or the voluntary surrender of a license by a licensee shall not deprive the board of	
8	jurisdiction to commence or proceed with any investigation of, or action or disciplinary	
9	proceeding against, the licensee or to render a decision suspending or revoking the license.	
10	STATUTORY PROVISIONS	
11	6. Section 4301 of the Code states:	
12	The board shall take action against any holder of a license who is guilty of unprofessional	
13	conduct or whose license has been issued by mistake. Unprofessional conduct shall include, but is	
14	not limited to, any of the following:	
15		
16	(c) Gross negligence.	
17		
18	(f) The commission of any act involving moral turpitude, dishonesty, fraud, deceit, or	
19	corruption, whether the act is committed in the course of relations as a licensee or otherwise, and	
20	whether the act is a felony or misdemeanor or not.	
21		
22	(h) The administering to oneself, of any controlled substance, or the use of any	
23	dangerous drug or of alcoholic beverages to the extent or in a manner as to be dangerous or	
24	injurious to oneself, to a person holding a license under this chapter, or to any other person or to	
25	the public, or to the extent that the use impairs the ability of the person to conduct with safety to	
26	the public the practice authorized by the license.	
27	///	
28	///	
	2	
	(JACOB ALEXANDER SEMONES) ACCUSATION	

1	<u>COST RECOVERY</u>
2	7. 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	FACTUAL ALLEGATIONS
7	8. At all times relevant herein, Respondent was employed by Pharmaca Integrative
8	Pharmacy, located at 12025 San Vicente Boulevard., Los Angeles, CA 90049, as a pharmacy
9	technician.
10	9. On June 26, 2020, Respondent arrived to work at approximately 11:00 hours. Shortly
11	thereafter, pharmacist-in-charge (PIC) N.A. was notified that Respondent had an odor of alcohol.
12	When PIC N.A. spoke with Respondent in her office, Respondent was combative and belligerent.
13	When Respondent left, the entire office had an odor of alcohol.
14	10. PIC N.A. sent Respondent to take a breathalyzer test. Respondent was tested on June
15	26, 2020, at 14:14 hours and 14:34 hours, and the results were 0.066 BAC and 0.058 BAC,
16	respectively.
17	FIRST CAUSE FOR DISCIPLINE
18	(Gross Negligence)
19	11. Respondent is subject to disciplinary action under Code section 4301, subsection (c),
20	in that Respondent engaged in unprofessional conduct by committing act(s) constituting gross
21	negligence. Specifically, on June 26, 2020, Respondent arrived at work as a pharmacy technician
22	under the influence of alcohol. Breathalyzer tests administered approximately 3.25 hours after
23	Respondent arrived at work revealed levels of 0.066 BAC and 0.058 BAC. Paragraphs 8 to 10
24	are re-alleged as if fully set forth herein.
25	SECOND CAUSE FOR DISCIPLINE
26	(Act Involving Moral Turpitude, Dishonesty, Fraud, Deceit, or Corruption)
27	12. Respondent is subject to disciplinary action under Code section 4301, subsection (f),
28	in that Respondent engaged in unprofessional conduct by committing acts involving moral
	3
	(JACOB ALEXANDER SEMONES) ACCUSATION

1	turpitude, dishonesty, fraud, deceit, or corruption. Specifically, on June 26, 2020, Respondent	
2	arrived at work as a pharmacy technician under the influence of alcohol. Breathalyzer tests	
3	administered approximately 3.25 hours after Respondent arrived at work revealed levels of 0.066	
4	BAC and 0.058 BAC. Paragraphs 8 to 10 are re-alleged as if fully set forth herein.	
5	THIRD CAUSE FOR DISCIPLINE	
6	(Dangerous Use of Alcohol)	
7	13. Respondent is subject to disciplinary action under Code section 4301, subsection (h),	
8	in that Respondent engaged in unprofessional conduct by using alcoholic beverages to the extent	
9	or in a manner as to be dangerous or injurious to himself, to a person holding a license under	
10	Pharmacy Law, or to any other person or to the public, or to the extent that the use impairs the	
11	ability of Respondent to conduct with safety to the public the practice authorized by his license.	
12	Specifically, on June 26, 2020, Respondent arrived at work as a pharmacy technician under the	
13	influence of alcohol. Breathalyzer tests administered approximately 3.25 hours after Respondent	
14	arrived at work revealed levels of 0.066 BAC and 0.058 BAC. Paragraphs 8 to 10 are re-alleged	
15	as if fully set forth herein.	
16	<u>PRAYER</u>	
17	WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,	
18	and that following the hearing, the Board of Pharmacy issue a decision:	
19	1. Revoking or suspending Pharmacy Technician Registration Number TCH 172575,	
20	issued to Jacob Alexander Semones;	
21	2. Ordering Jacob Alexander Semones to pay the Board of Pharmacy the reasonable	
22	costs of the investigation and enforcement of this case, pursuant to Business and Professions	
23	Code section 125.3; and,	
24	///	
25	///	
26	///	
27	///	
28	///	
	4	
	(JACOB ALEXANDER SEMONES) ACCUSATION	

