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

11 In the Matter of the Accusation Against:

Case No. 3709

12 **MICHELLE M. MIX AKA**
13 **MICHELLE MARIE RAGGHIANI**
14 **25661 La Lanne**
15 **Los Altos Hills, CA 94022**
16 **Pharmacy Technician License No. TCH**
17 **13063**

ACCUSATION

Respondent.

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 (Board), Department of Consumer Affairs.

22 2. On or about June 1, 1994, the Board issued Pharmacy Technician License Number
23 TCH 13063 to Michelle M. Mix (Respondent). The Pharmacy Technician License was in full
24 force and effect at all times relevant to the charges brought herein and will expire on June 30,
25 2010, unless renewed.

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1 sobriety tests performed at the scene and was arrested for driving under the influence of alcohol
2 (Vehicle Code section 23152(a)).

3 12. Respondent is further subject to disciplinary action under section 4301(h) of the Code
4 in that she used alcohol in a manner dangerous or injurious to herself. On or about May 12, 2009,
5 at approximately 8:35 p.m., two police officers found Respondent stumbling in the bike lane on
6 Almond Avenue in Los Altos, California. The officers observed objective signs and symptoms of
7 alcohol intoxication about Respondent. A breathalyzer test performed at the scene revealed that
8 Respondent's blood alcohol level was 0.17%. After determining that Respondent could not care
9 for her safety or the safety of others, the officers arrested her for public intoxication (Penal Code
10 section 647(f)).

11 13. Respondent is further subject to disciplinary action under section 4301(h) of the Code
12 in that she used alcohol in a manner dangerous or injurious to herself. On or about October 13,
13 2009, police officers approached Respondent on W. Edith Avenue in Los Altos, California, after
14 reports that an intoxicated female had refused to pay her taxi fare. While at the scene, the officers
15 observed objective signs and symptoms of alcohol intoxication about Respondent. Respondent
16 yelled at the officers and the taxi driver. Based on their observations, the officers determined that
17 Respondent could not care for her safety or the safety of others and decided to arrest her.

18 **SECOND CAUSE FOR DISCIPLINE**

19 **(Unprofessional Conduct: Conviction of More than one Misdemeanor Involving Use of 20 Alcohol)**

21 14. Respondent is subject to disciplinary action under section 4301(k) and/or section 490
22 of the Code in that on or about June 26, 2009, in a criminal proceeding entitled *The People of the*
23 *State of California v. Michelle Marie Ragghianti*, in Santa Clara County Superior Court, Case
24 Number BB941180, Respondent was convicted by her plea of nolo contendere of violating
25 Vehicle Code section 23152(b) (driving with blood alcohol level of 0.08% or above), a
26 misdemeanor. Respondent was sentenced to three years of probation and ordered to pay fines in
27 the amount of \$1,750.00.
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1 The circumstances of the conviction were that on or about May 12, 2009, Respondent was
2 stopped by police officers on El Camino Real in Mountain View, California, after her vehicle
3 rear-ended another vehicle stopped at a red light. While at the scene of the accident, the officers
4 conducted an investigation to determine whether Respondent had been driving under the
5 influence of alcohol or drugs. Respondent failed field sobriety tests and was arrested for violating
6 Vehicle Code section 23152(a).

7 15. Also, on or about November 30, 2009, in a criminal proceeding entitled *The People of*
8 *the State of California v. Michelle Marie Ragghianti*, in Santa Clara County Superior Court, Case
9 Number BB943785, Respondent was convicted by her plea of nolo contendere of violating Penal
10 Code section 647(f) (public intoxication) and Penal Code section 148(a)(1) (resisting, delaying, or
11 obstructing an officer), both of which are misdemeanors. Respondent was sentenced to one year
12 of probation and ordered to pay fines in the amount of \$610.00.

13 The circumstances of the conviction were that on or about October 13, 2009, police officers
14 approached Respondent on W. Edith Avenue in Los Altos, California, after reports that an
15 intoxicated female had refused to pay her taxi fare. While at the scene, the officers observed
16 objective signs and symptoms of alcohol intoxication about Respondent. Respondent yelled at
17 the officers and the taxi driver. Based on their observations, the officers determined that
18 Respondent could not care for her safety or the safety of others and decided to arrest her. After
19 being advised that she was under arrest, Respondent resisted arrest by pulling away from the
20 officers, yelling at them, tensing her muscles, and refusing to sit inside the back seat of the patrol
21 vehicle.

22 **THIRD CAUSE FOR DISCIPLINE**

23 **(Unprofessional Conduct: Criminal Conviction)**

24 16. Respondent is subject to disciplinary action under section 4301(l) and/or section 490
25 of the Code, by reference to California Code of Regulations, title 16, section 1770, in that on or
26 about June 26, 2009, in a criminal proceeding entitled *The People of the State of California v.*
27 *Michelle Marie Ragghianti*, in Santa Clara County Superior Court, Case Number BB941180,
28 Respondent was convicted by her plea of nolo contendere of violating Vehicle Code section

1 23152(b) (driving with blood alcohol level of 0.08% or above), a misdemeanor. Respondent was
2 sentenced to three years of probation and ordered to pay fines in the amount of \$1,750.00.

3 The circumstances of the conviction were that on or about May 12, 2009, Respondent was
4 stopped by police officers on El Camino Real in Mountain View, California, after her vehicle
5 rear-ended another vehicle stopped at a red light. While at the scene of the accident, the officers
6 conducted an investigation to determine whether Respondent had been driving under the
7 influence of alcohol or drugs. Respondent failed field sobriety tests and was arrested for violating
8 Vehicle Code section 23152(a).

9 17. Respondent is further subject to disciplinary action under section 4301(l) and/or
10 section 490 of the Code, by reference to California Code of Regulations, title 16, section 1770, in
11 that on or about November 30, 2009, in a criminal proceeding entitled *The People of the State of*
12 *California v. Michelle Marie Ragghianti*, in Santa Clara County Superior Court, Case Number
13 BB943785, Respondent was convicted by her plea of nolo contendere of violating Penal Code
14 section 647(f) (public intoxication) and Penal Code section 148(a)(1) (resisting, delaying, or
15 obstructing an officer), both of which are misdemeanors. Respondent was sentenced to one year
16 of probation and ordered to pay fines in the amount of \$610.00.

17 The circumstances of the conviction were that on or about October 13, 2009, police officers
18 approached Respondent on W. Edith Avenue in Los Altos, California, after reports that an
19 intoxicated female had refused to pay her taxi fare. While at the scene, the officers observed
20 objective signs and symptoms of alcohol intoxication about Respondent. Respondent yelled at
21 the officers and the taxi driver. Based on their observations, the officers determined that
22 Respondent could not care for her safety or the safety of others and decided to arrest her. After
23 being advised that she was under arrest, Respondent resisted arrest by pulling away from the
24 officers, yelling at them, tensing her muscles, and refusing to sit inside the back seat of the patrol
25 vehicle.

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