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

12 In the Matter of the Petition to Revoke Probation
Against:

Case No. 3717

13 **MARGARIE SAUCEDO**
14 **7712 Craig Avenue**
Buena Park, California 90621

PETITION TO REVOKE PROBATION

15 **Pharmacy Technician License No. TCH 40762**

16 Respondent.
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19 Complainant alleges:

20 **PARTIES**

21 1. Virginia Herold (Complainant) brings this Petition to Revoke Probation solely in her
22 official capacity as Executive Officer, Board of Pharmacy, Department of Consumer Affairs.

23 2. On or about December 12, 2001, the Board of Pharmacy issued Pharmacy Technician
24 License Number TCH 40762 to Margarie Saucedo (Respondent). The pharmacy technician
25 license was in effect at all times relevant to the charges brought herein and will expire on
26 December 31, 2011, unless renewed.

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1 10. Respondent's probation is subject to revocation because she failed to comply with
2 Term and Condition #6 in that Respondent failed to submit signed and dated proof of attendance
3 in at least one Alcoholics/Narcotics Anonymous recovery group per week.

4 **THIRD CAUSE TO REVOKE PROBATION**

5 **(Failure to Report and Submit to Random Drug Screening)**

6 11. At all times after the effective date (February 18, 2010) of the Decision and Order
7 imposing probation on Respondent's License, Term and Condition #7 of that Order required in
8 pertinent part:

9 **7. Random Drug Screening.** At her expense, Respondent shall participate in
10 random testing, including but not limited to biological fluid testing (urine, blood),
11 breathalyzer, hair follicle testing, or other drug screening program as directed by the
12 Board or its designee. Respondent may be required to participate in testing for the
13 entire probationary period and the frequency of testing will be determined by the
14 Board or its designee. Respondent shall fully cooperate with the Board or its designee.
15 When directed by the Board or its designee, Respondent shall submit to such tests and
16 samples for the detection of alcohol, narcotics, hypnotics, dangerous drugs or other
17 controlled substances as the Board or its designee may direct. Failure to timely submit
18 to testing as directed shall be considered a violation of probation.

15 12. Respondent's probation is subject to revocation because she failed to comply with
16 Term and Condition #7 in that Respondent failed to call in to the contracted laboratory services
17 vendor for random drug screening requirements and failed to submit to drug screening when
18 scheduled. The circumstances are as follows:

19 13. Upon enrollment with the random drug screening vendor, Respondent was instructed
20 to call or log into the FirstLab website daily beginning on March 10, 2010. On March 11, 2010,
21 Respondent called in as required and was instructed to conduct testing on that day. Respondent
22 did not complete testing as required on March 11, 2010 and failed to call or log onto the FirstLab
23 system from March 12, 2010 through April 6, 2010.

24 **FOURTH CAUSE TO REVOKE PROBATION**

25 **(Failure to Submit Work Site Monitor)**

26 14. At all times after the effective date (February 18, 2010) of the Decision and Order
27 imposing probation on Respondent's License, Term and Condition #8 of that Order required in
28 pertinent part:

1 **8. Work Site Monitor.** Within 10 days of the effective date of this Decision,
2 Respondent shall identify a work site monitor, who must be approved by the
3 Board. The work site monitor shall be responsible for supervising Respondent
4 during working hours.

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6 Failure to identify an acceptable initial or replacement work site monitor or to
7 ensure quarterly reports are submitted by the work site monitor to the Board in a
8 timely manner shall be constitute a violation of probation.

9 15. Respondent's probation is subject to revocation because she failed to comply with
10 Term and Condition #8 in that Respondent failed to timely identify and submit a work site
11 monitor to the Board for approval.

12 **FIFTH CAUSE TO REVOKE PROBATION**

13 **(Failure to Submit Cost Recovery Payments)**

14 16. At all times after the effective date (February 18, 2010) of the Decision and Order
15 imposing probation on Respondent's License, Term and Condition #12 of that Order required in
16 pertinent part:

17 **12. Reimbursement of Board Costs.** As a condition precedent to successful
18 completion of probation, Respondent shall pay the Board's costs of investigation
19 and prosecution in the amount of \$6,030.00. No later than thirty (30) days of the
20 effective date of this Decision, Respondent shall commence making equal monthly
21 payments of the foregoing. There shall be no deviation from this schedule without
22 prior written approval by the Board or its designee. Failure to pay costs by the
23 deadline(s) as directed shall be considered a violation of probation.
24 The filing of bankruptcy by Respondent shall not relieve her obligation to
25 reimburse the Board's costs of investigation and prosecution.

26 17. Respondent's probation is subject to revocation because she failed to comply with
27 Term and Condition #12 in that Respondent failed to timely make cost recovery payments.

28 **PRAYER**

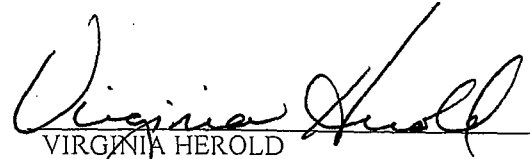
WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
and that following the hearing, the Board of Pharmacy issue a decision:

1. Revoking the probation that was granted by the Board of Pharmacy in Case No. 3265
and imposing the disciplinary order that was stayed, thereby revoking Pharmacy Technician
License No. TCH 40762, issued to Margarie Saucedo (Respondent);

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2. Taking such other and further action as is deemed necessary and proper.

DATED: 5/28/10



VIRGINIA HEROLD
Executive Officer
Board of Pharmacy
Department of Consumer Affairs
State of California
Complainant

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