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

13 In the Matter of the Accusation Against:

Case No. 4166

14 **STEPHANIE NICOLE CARDONI**  
24164 Falconer Drive  
Murrieta, CA 92562

**A C C U S A T I O N**

15 **Pharmacy Technician Registration**  
16 **No. TCH 91993**

17 Respondent.

18 Complainant alleges:

19 **PARTIES**

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

22 2.aa On or about May 4, 2010, the Board of Pharmacy issued Pharmacy Technicianaa  
23 Registration Number TCH 91993 to Stephanie Nicole Cardoni, also known as Stephanie Nicole  
24 White (Respondent). The Pharmacy Technician Registration expired on July 31, 2011, and has  
25 not been renewed.

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1 **JURISDICTION**

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

5 4. Section 4300, subdivision (a) of the Code states "Every license issued may be  
6 suspended or revoked."

7 5. Section 118, subdivision (b), of the Code provides that the suspension, expiration,  
8 surrender, or cancellation of a license shall not deprive the Board of jurisdiction to proceed with a  
9 disciplinary action during the period within which the license may be renewed, restored, reissued  
10 or reinstated.

11 **STATUTORY PROVISIONS**

12 6. Section 482 of the Code states:

13 Each board under the provisions of this code shall develop criteria to evaluate  
14 the rehabilitation of a person when:

15 (a) Considering the denial of a license by the board under Section 480; or

16 (b) Considering suspension or revocation of a license under Section 490.

17 Each board shall take into account all competent evidence of rehabilitation  
18 furnished by the applicant or licensee.

19 7. Section 490 of the Code provides, in pertinent part, that a board may suspend or  
20 revoke a license on the ground that the licensee has been convicted of a crime substantially  
21 related to the qualifications, functions, or duties of the business or profession for which the  
22 license was issued.

23 8. Section 493 of the Code states:

24 Notwithstanding any other provision of law, in a proceeding conducted by a  
25 board within the department pursuant to law to deny an application for a license or to  
26 suspend or revoke a license or otherwise take disciplinary action against a person who  
27 holds a license, upon the ground that the applicant or the licensee has been convicted  
28 of a crime substantially related to the qualifications, functions, and duties of the  
licensee in question, the record of conviction of the crime shall be conclusive  
evidence of the fact that the conviction occurred, but only of that fact, and the board  
may inquire into the circumstances surrounding the commission of the crime in order  
to fix the degree of discipline or to determine if the conviction is substantially related  
to the qualifications, functions, and duties of the licensee in question.

1 As used in this section, "license" includes "certificate," "permit," "authority,"  
2 and "registration."

3 9. Section 4301 of the Code states:

4 The board shall take action against any holder of a license who is guilty of  
5 unprofessional conduct or whose license has been procured by fraud or  
6 misrepresentation or issued by mistake. Unprofessional conduct shall include, but is  
7 not limited to, any of the following:

8 . . . .

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

14 . . . .

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

18 (l) The conviction of a crime substantially related to the qualifications,  
19 functions, and duties of a licensee under this chapter. The record of conviction of a  
20 violation of Chapter 13 (commencing with Section 801) of Title 21 of the United  
21 States Code regulating controlled substances or of a violation of the statutes of this  
22 state regulating controlled substances or dangerous drugs shall be conclusive  
23 evidence of unprofessional conduct. In all other cases, the record of conviction shall  
24 be conclusive evidence only of the fact that the conviction occurred. The board may  
25 inquire into the circumstances surrounding the commission of the crime, in order to  
26 fix the degree of discipline or, in the case of a conviction not involving controlled  
27 substances or dangerous drugs, to determine if the conviction is of an offense  
28 substantially related to the qualifications, functions, and duties of a licensee under this  
chapter. A plea or verdict of guilty or a conviction following a plea of nolo  
contendere is deemed to be a conviction within the meaning of this provision. The  
board may take action when the time for appeal has elapsed, or the judgment of  
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 his or her 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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1 **REGULATORY PROVISIONS**

2 10. California Code of Regulations, title 16, section 1669 states:

3 . . . .  
4 (b) When considering the suspension or revocation of a facility or a personal  
5 license on the ground that the licensee or the registrant has been convicted of a crime,  
6 the board, in evaluating the rehabilitation of such person and his present eligibility for  
7 a license will consider the following criteria:

8 (1) Nature and severity of the act(s) or offense(s).

9 (2) Total criminal record.

10 (3) The time that has elapsed since commission of the act(s) or offense(s).

11 (4) Whether the licensee has complied with all terms of parole, probation,  
12 restitution or any other sanctions lawfully imposed against the licensee.

13 (5) Evidence, if any, of rehabilitation submitted by the licensee.

14 11. California Code of Regulations, title 16, section 1770 states:

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

22 **COST RECOVERY**

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

27 **FIRST CAUSE FOR DISCIPLINE**

28 **(December 23, 2010 Criminal Conviction for DUI on October 23, 2010)**

13. Respondent has subjected her license to discipline under sections 490 and 4301,  
subdivision (l) of the Code in that she was convicted of crimes that are substantially related to the  
qualifications, duties, and functions of a pharmacy technician. The circumstances are as follows:

a. On or about December 23, 2010, in a criminal proceeding entitled *People of the  
State of California v. Stephanie Nicole Cardoni*, in Riverside County Superior Court, case

1 number SWM10007905, Respondent was convicted on her plea of guilty to violating Vehicle  
2 Code section 23152, subdivision (a), driving under the influence of alcohol; and Vehicle Code  
3 section 23152, subdivision (b), driving with a blood alcohol concentration (BAC) of .08 or  
4 higher, misdemeanors.

5 b. As a result of the convictions, on or about December 23, 2010, Respondent was  
6 sentenced to 36 months summary probation and ordered to serve 10 days in the custody of the  
7 Riverside County Sheriff (in the Electronic Monitoring Program), with credit for two days.  
8 Respondent was ordered to enroll in and complete a Drinking Driver program, pay fines, fees,  
9 and restitution in the amount of \$2,604.45, and comply with the terms of probation.

10 Respondent's probation was revoked on March 22, 2011, for failure to enroll in the Electronic  
11 Monitoring Program, and a bench warrant was issued for Respondent's arrest. At a hearing on  
12 April 27, 2011, Respondent's probation was reinstated and she was ordered to re-enroll in the  
13 Electronic Monitoring Program and re-enroll in a Second Offender DUI Program (ordered in case  
14 number SWM1102452, below). On May 25, 2011, Respondent's probation was revoked for  
15 violating Term 1 (obey all laws).

16 c. The facts that led to the convictions were that in or about the early morning  
17 hours of October 23, 2010, California Highway Patrol (CHP) officers observed a vehicle, driven  
18 by Respondent, commit a series of traffic violations in the city of Temecula before entering  
19 Interstate 15. The CHP officers followed Respondent onto the freeway and signaled for  
20 Respondent to pull over. Upon making contact with Respondent at the driver's window, the  
21 officer could immediately detect a strong odor of an alcoholic beverage emitting from the interior  
22 of the vehicle. Respondent was directed to exit her vehicle move to a level area where the officer  
23 could conduct his investigation. Respondent told the officer she did not want to do any field  
24 sobriety tests. She asked for a blood test and stated she was trying to go home. The officer noted  
25 that Respondent had red, watery, bloodshot eyes, slurred speech, and the strong odor of an  
26 alcoholic beverage on her breath and person. Respondent refused to perform field sobriety tests.  
27 Based on Respondent's objective symptoms of intoxication, Respondent was arrested for driving  
28 under the influence of alcohol.

1 **SECOND CAUSE FOR DISCIPLINE**

2 **(June 16, 2011 Criminal Conviction for DUI, Driving on a Suspended License**  
3 **& Malicious Disturbance on March 13, 2011)**

4 14. Respondent has subjected her license to discipline under sections 490 and 4301,  
5 subdivision (l) of the Code in that she was convicted of crimes that are substantially related to the  
6 qualifications, duties, and functions of a pharmacy technician. The circumstances are as follows:

7 a. On or about June 16, 2011, in a criminal proceeding entitled *People of the State*  
8 *of California v. Stephanie Nicole Cardoni*, in Riverside County Superior Court, case number  
9 SWM1102452, Respondent was convicted on her plea of guilty to violating Vehicle Code section  
10 23152, subdivision (b), driving with a BAC of .08 or higher; Vehicle Code section 14601.2,  
11 driving on a license that had been suspended due to a prior DUI conviction; and Penal Code  
12 section 415.2, malicious disturbance, misdemeanors. Respondent admitted and the court found  
13 true the allegations that Respondent had two prior convictions for violating Vehicle Code section  
14 23152, subdivision (b), and two prior convictions for driving on suspended license pursuant to  
15 Vehicle Code sections 14601.1 and 14601.2.

16 b. As a result of the convictions, on or about June 16, 2011, Respondent was  
17 sentenced to 60 months summary probation, which will expire of June 14, 2016, and she was  
18 ordered to serve 140 days in the custody of the Riverside County Sheriff (in the Electronic  
19 Monitoring Program), with credit for two days. Respondent was ordered to enroll in and  
20 complete a Second Offender DUI program, pay fines, fees, and restitution in the amount of  
21 \$2,824.45, and comply with the terms of probation.

22 c. The facts that led to the convictions were that in or about the evening of March  
23 13, 2011, deputies from the Riverside County Sheriff's Department made contact with  
24 Respondent outside of a fast food restaurant after she was observed driving erratically. A check  
25 of Respondent's driver's license indicated that it had been suspended for a prior DUI conviction.  
26 Respondent displayed the objective symptoms of alcohol intoxication (alcoholic breath, eyes that  
27 were red, bloodshot, and droopy, and mumbled speech). Respondent submitted to a series of field  
28 sobriety tests which she was unable to perform as explained and demonstrated by the deputy.

1 Respondent provided one complete breath sample on the preliminary alcohol screening test which  
2 measured with a BAC of .12 percent. Respondent resisted while being placed under arrest and  
3 she received a contusion to her right eye.

4 **THIRD CAUSE FOR DISCIPLINE**

5 **(Unprofessional Conduct – Multiple Misdemeanor Convictions Involving Alcohol)**

6 15. Respondent is subject to disciplinary action under section 4301, subdivision (k) of the  
7 Code in that on or about December 23, 2010, and June 16, 2011, Respondent was convicted of  
8 driving under the influence of alcohol in violation of Vehicle Code section 23152, as detailed in  
9 paragraphs 13-14, above.

10 **FOURTH CAUSE FOR DISCIPLINE**

11 **(Unprofessional Conduct – Dangerous Use of Alcohol)**

12 16. Respondent is subject to disciplinary action under section 4301, subdivision (h) of the  
13 Code in that on or about October 23, 2010, and March 13, 2011, Respondent used alcoholic  
14 beverages in a manner that was dangerous to herself and the public, when she operated a motor  
15 vehicle while impaired, as detailed in paragraphs 13-14, above.

16 **DISCIPLINARY CONSIDERATIONS**

17 17. To determine the degree of discipline, if any, to be imposed on Respondent,  
18 Complainant alleges that on or about March 23, 2007, in San Joaquin County Superior Court,  
19 case number LM036626A, Respondent was convicted on her plea of guilty to violating Vehicle  
20 Code section 23152, subdivision (b), driving with a blood alcohol concentration (BAC) of .08 or  
21 higher.

22 18. To determine the degree of discipline, if any, to be imposed on Respondent,  
23 Complainant alleges that on or about July 25, 2008, in San Joaquin County Superior Court, case  
24 number STO48968A, Respondent was convicted on her plea of guilty to violating Vehicle Code  
25 section 20002, subdivision (a), hit and run with property damage; and Vehicle Code section  
26 14601.2, driving with a license that had been suspended for a prior DUI conviction.

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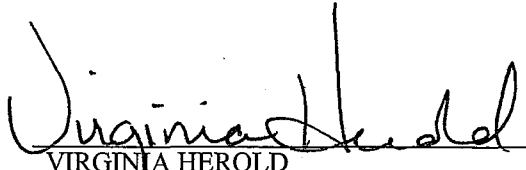
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**PRAYER**

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 or suspending Pharmacy Technician Registration Number TCH 91993, issued to Stephanie Nicole Cardoni;
2. Ordering Stephanie Nicole Cardoni to pay the Board of Pharmacy the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;
3. Taking such other and further action as deemed necessary and proper.

DATED: 11/9/11



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

SD2011801021