

1 KAMALA D. HARRIS
Attorney General of California
2 FRANK H. PACOE
Supervising Deputy Attorney General
3 JOSHUA A. ROOM
Deputy Attorney General
4 State Bar No. 214663
455 Golden Gate Avenue, Suite 11000
5 San Francisco, CA 94102-7004
Telephone: (415) 703-1299
6 Facsimile: (415) 703-5480
Attorneys for Complainant

7
8 **BEFORE THE**
BOARD OF PHARMACY
9 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

10 In the Matter of the Accusation Against:

Case No. 4435

11 **MIKIAS W. WONJI**
12 **14568 Corvallis Street**
13 **San Leandro, CA 94579**

A C C U S A T I O N

14 **Pharmacy Technician License No. TCH**
94133

15 Respondent.

16
17 Complainant alleges:

18 PARTIES

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

21 2. On or about June 25, 2010, the Board of Pharmacy issued Pharmacy Technician
22 Registration Number TCH 94133 to Mikias W. Wonji (Respondent). The Pharmacy Technician
23 Registration was in full force and effect at all times relevant to the charges brought herein and
24 will expire on December 31, 2013, unless 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 following laws. All section references are to the
28 Business and Professions Code unless otherwise indicated.

1 license was issued.

2 8. California Code of Regulations, title 16, section 1770, states:

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

9 COST RECOVERY

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

14 FACTUAL BACKGROUND

15 10. On or about July 11, 2011, Respondent was pulled over for driving without his
16 vehicle's headlights on. Upon contact, the officer detected the odor of an alcoholic beverage
17 coming from inside the vehicle. Respondent denied any alcohol consumption. The officer ran
18 Respondent's information and learned that Respondent was on probation for two prior DUI
19 offenses. Respondent's probation terms stipulated that he could not have alcohol in his system
20 while driving and that he could only drive a vehicle during the course of employment. After
21 subsequent questioning, Respondent stated he was on his way to a night club and admitted to
22 having had three beers.

23 11. Respondent failed field sobriety testing and was transported to the county jail. At the
24 jail, the officer attempted to administer an alcohol screening test as required by Respondent's
25 DUI probation terms. Respondent failed to provide more than one breath sample. Instead of
26 exhaling, Respondent inhaled, causing the officer to believe that Respondent was refusing to
27 provide a breath sample so as to delay the testing process. Breath testing at the county jail
28 provided his blood alcohol level to be .11%.

1 FIRST CAUSE FOR DISCIPLINE

2 (Conviction of Substantially Related Crime(s))

3 12. Respondent is subject to disciplinary action under section 4301, subdivision (l) and/or
4 section 490 of the Code, by reference to California Code of Regulations, title 16, section 1770,
5 for the conviction of substantially related crime(s), in that on or about February 24, 2012, in the
6 criminal case *People v. Mikias Wubshet Wonji*, Case No. 572496 in Alameda County Superior
7 Court, Respondent was convicted on the basis of the conduct described in paragraphs 10-11 of
8 violating Vehicle Code section 23152, subdivision (a) (Driving under the influence of alcohol or
9 drugs), a misdemeanor, with enhancements of refusal to submit to a chemical test and two prior
10 convictions, as follows:

11 a. On or about August 3, 2011, based on the conduct described in paragraphs 10-
12 11, respondent was charged by criminal complaint in Case No. 572496 with violating Vehicle
13 Code section 23152, subdivision (a) (Driving under the influence of alcohol or drugs), a
14 misdemeanor, with enhancements of refusal to submit to a chemical test and two prior
15 convictions. Respondent's first prior offense was alleged to have occurred on or about May 7,
16 2007. Respondent was convicted in Alameda County Superior Court of violating Vehicle Code
17 section 23152, subdivision (b) (Driving with a blood alcohol level of 0.08% or more), a
18 misdemeanor, and was placed on probation. Respondent's second prior offense was alleged to
19 have occurred on or about July 15, 2009. Respondent was convicted in Alameda County Superior
20 Court of violating Vehicle Code section 23152, subdivision (b) (Driving with a blood alcohol
21 level of 0.08% or more), a misdemeanor, and was placed on probation.

22 b. On or about February 24, 2012 Respondent pleaded no contest, and admitted
23 the enhancement and prior convictions. The court ordered imposition of sentence suspended in
24 favor of a five year supervised probation period with terms and conditions including 150 days in
25 jail (1 day CTS), an 18 month DUI program, and fines and fees.

26 ///

27 ///

28 ///

