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1 2 3 4 5 6 7 8 9	KAMALA D. HARRIS Attorney General of California KENT D. HARRIS Supervising Deputy Attorney General STEPHANIE ALAMO-LATIF Deputy Attorney General State Bar No. 283580 1300 J Street, Suite 125 P.O. Box 944255 Sacramento, CA 94244-2550 Telephone: (916) 327-6819 Facsimile: (916) 327-8643 E-mail: Stephanie.AlamoLatif@doj.ca.gov Attorneys for Complainant BEFORE THE BOARD OF PHARMACY
10	DEPARTMENT OF CONSUMER AFFAIRS STATE OF CALIFORNIA
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12	In the Matter of the Accusation Against: Case No. 4765
13	ANA J. ESTRADA
14	3029 E. Illinois Ave.Fresno, CA 93701A C C U S A T I O N
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15	Pharmacy Technician Registration No. 59881
10	Respondent.
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19	Virginia Herold ("Complainant") alleges:
20	PARTIES
21	1. Complainant brings this Accusation solely in her official capacity as the Executive
22	Officer of the Board of Pharmacy, Department of Consumer Affairs.
23	2. On or about August 5, 2005, the Board of Pharmacy issued Pharmacy Technician
24	Registration Number 59881 to Ana J. Estrada ("Respondent"). The Pharmacy Technician
25	Registration was in full force and effect at all times relevant to the charges brought herein and will
26	expire on July 31, 2015, unless 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 unless otherwise indicated.
5	4. Code section 4300 states, in pertinent part, that every license issued may be suspended
6	or revoked.
7	5. Code section 4300.1 states:
8	"The expiration, cancellation, forfeiture, or suspension of a board-issued license by operation
9	of law or by order or decision of the board or a court of law, the placement of a license on a
10	retired status, or the voluntary surrender of a license by a licensee shall not deprive the board of
11	jurisdiction to commence or proceed with any investigation of, or action or disciplinary proceeding
12	against, the licensee or to render a decision suspending or revoking the license."
13	STATUTORY PROVISIONS
14	6. Code section 4301 states, in pertinent part:
15	"The board shall take action against any holder of a license who is guilty of unprofessional
16	conduct. Unprofessional conduct shall include, but is not limited to, any of the following:
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18	(h) The use of alcoholic beverages to the extent or in a manner as to be dangerous or
19	injurious to oneself, or to any other person or to the public, or to the extent that the use impairs
20	the ability of the person to conduct with safety to the public the practice authorized by the license.
21	····
22	"(k) The conviction of more than one misdemeanor or any felony involving the use,
23	consumption, or self-administration of any dangerous drug or alcoholic beverage, or any
24	combination of those substances."
25	(1) The conviction of a crime substantially related to the qualifications, functions, and duties
26	of a licensee under this chapter.
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"(o) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the 1 violation of or conspiring to violate any provision or term of this chapter or of the applicable 2 federal and state laws and regulations governing pharmacy, including regulations established by the 3 board or by any other state or federal regulatory agency." 4 COST RECOVERY 5 7. Code section 125.3 provides, in pertinent part, that the Board may request the 6 administrative law judge to direct a licentiate found to have committed a violation or violations of 7 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and 8 enforcement of the case, with failure of the licentiate to comply subjecting the license to not being 9 renewed or reinstated. 10 FIRST CAUSE FOR DISCIPLINE 11 (Conviction of Crime) 12 8. Respondent is subject to discipline under Code section 4301, subdivision (l), in that on 13 or about December 19, 2011, in the case of People v. Ana Jael Estrada (Superior Court of Fresno 14 County Case No. M11920998), Respondent was convicted on her plea of nolo contendere of 15 violating Vehicle Code section 23152, subdivision (b) (Driving with a 0.08% or higher BAC), a 16 misdemeanor, and Vehicle Code section 14601.2, subdivision (a) (Driving while Privilege 17 Suspended for Prior DUI Conviction), a misdemeanor. Per the parties' stipulation, Respondent 18 admitted to two prior misdemeanor convictions on April 7, 2009 (Superior Court, San Luis 19 Obispo Case No. M430260) and December 19, 2011<sup>1</sup> (Superior Court, Fresno Case No. 20 M10915008), for violating Vehicle Code section 23152, subdivision (b) (Driving with a 0.08% or 21 22 higher BAC). Respondent also admitted that her BAC was .19%. The facts and circumstances are 23 as follows: 9. On or about September 25, 2011, a highway patrol officer observed a vehicle weaving 24 in and out of its lane in Fresno County. An enforcement stop was initiated and the driver was 25 26 <sup>1</sup> Case Number M10915008 was based on Respondent's arrest on February 8, 2010. This case ran concurrently with Case Number M11920998. Per the Respondent's plea agreement, she 27 was convicted in Case Number M10915008 on December 19, 2011, and this conviction served as

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a prior in Case Number M11920998, with the same conviction date of December 19, 2011.

1	identified as Respondent. The officer could smell the odor of alcohol emitting from the vehicle
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2	and from Respondent. Respondent admitted to the officer to drinking several alcoholic beverages.
3	A series of field sobriety tests were administered which Respondent did not complete as
4	demonstrated. Her Blood Alcohol Content (BAC) was recorded variously within fifteen minutes
5	as .158%, .168%, and .13%.
6	SECOND CAUSE FOR DISCIPLINE
7	(Dangerous Use of Alcohol)
8	10. Respondent is subject to discipline under Code section 4301, subdivision (h), for
9	unprofessional conduct, in that on or about September 25, 2011, Respondent used alcoholic
10	beverages to an extent or in a manner dangerous or injurious to herself and the public when she
11	operated a vehicle while under the influence of alcohol, as more fully set forth above in paragraphs
12	8 and 9.
13	THIRD CAUSE FOR DISCIPLINE
14	(Conviction of More than One Misdemeanor Involving Use of Alcoholic Beverages)
15	11. Respondent is subject to disciplinary action under section 4301, subdivision (k), for
16	unprofessional conduct, in that on or about April 7, 2009 and December 19, 2011, Respondent
17	was convicted of misdemeanor violations of Vehicle Code section 23152, subdivision (b), as more
18	fully set forth above in paragraphs 8 and 9.
19	FOURTH CAUSE FOR DISCIPLINE
20	(Violating laws of pharmacy)
21	12. Respondent is subject to discipline under Code section 4301, subdivision (o), in that
22	Respondent violated the laws and regulations governing pharmacy, as more fully set forth above in
23	paragraphs 8 through 11.
24	DISCIPLINE CONSIDERATIONS
25	13. To determine the degree of discipline to be imposed on Respondent, Complainant
26	alleges that effective on or about December 10, 2010, in a prior action, the Board of Pharmacy
27	issued Citation Number CI 2008 39499, based on Respondent's conviction on April 7, 2009, in the
28	matter of People v. Ana Jael Estrada (Superior Court, San Luis Obispo County Case No.
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1	M000430260), of violation of Vehicle Code 23152, subdivision (b) (DUI with 0.08% or higher
2	BAC), a misdemeanor.
3	PRAYER
4	WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
5	and that following the hearing, the Board of Pharmacy issue a decision:
6	1. Revoking or suspending Pharmacy Technician Registration Number 59881, issued to
7	Ana J. Estrada.;
8	2. Ordering Ana J. Estrada to pay the Board of Pharmacy the reasonable costs of the
9	investigation and enforcement of this case, pursuant to Business and Professions Code section
0	125.3;
1	3. Taking such other and further action as deemed necessary and proper.
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15 DATED: // GIMO Chief	VIRGINIA HEROLD
6	Executive Officer Board of Pharmacy
17	Department of Consumer Affairs State of California
8	Complainant
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