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

11 In the Matter of the Accusation Against:

Case No. 4795

12 **ALEJANDRA MENDOZA**
9030 Chiminey Rock Ave.
13 Hesperia, CA 92344

A C C U S A T I O N

14 **Pharmacy Technician License No. TCH**
86480

15 Respondent.
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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, Department of Consumer Affairs.

22 2. On or about September 29, 2009, the Board of Pharmacy issued Pharmacy
23 Technician License Number TCH 86480 to Alejandra Mendoza (Respondent). The Pharmacy
24 Technician License was in full force and effect at all times relevant to the charges brought herein,
25 and will expire on March 31, 2015, unless renewed.

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JURISDICTION

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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. Section 4300 provides, in pertinent part, that every license issued by the Board is
6 subject to discipline, including suspension or revocation.

7 5. Section 4301 of the Code states:

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

11

12 "(f) The commission of any act involving moral turpitude, dishonesty, fraud, deceit, or
13 corruption, whether the act is committed in the course of relations as a licensee or otherwise, and
14 whether the act is a felony or misdemeanor or not.

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

21

22 "(j) The violation of any of the statutes of this state, or any other state, or of the United
23 States regulating controlled substances and dangerous drugs.

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25 6. Health and Safety Code section 11550, subdivision (a) states:

26 "(a) No person shall use, or be under the influence of any controlled substance which is (1)
27 specified in subdivision (b), (c), or (e), or paragraph (1) of subdivision (f) of Section 11054,
28 specified in paragraph (14), (15), (21), (22), or (23) of subdivision (d) of Section 11054, specified

1 in subdivision (b) or (c) of Section 11055, or specified in paragraph (1) or (2) of subdivision (d)
2 or in paragraph (3) of subdivision (e) of Section 11055, or (2) a narcotic drug classified in
3 Schedule III, IV, or V, except when administered by or under the direction of a person licensed
4 by the state to dispense, prescribe, or administer controlled substances. It shall be the burden of
5 the defense to show that it comes within the exception. Any person convicted of violating this
6 subdivision is guilty of a misdemeanor and shall be sentenced to serve a term of not less than 90
7 days or more than one year in a county jail. The court may place a person convicted under this
8 subdivision on probation for a period not to exceed five years and, except as provided in
9 subdivision (c), shall in all cases in which probation is granted require, as a condition thereof, that
10 the person be confined in a county jail for at least 90 days. Other than as provided by subdivision
11 (c), in no event shall the court have the power to absolve a person who violates this subdivision
12 from the obligation of spending at least 90 days in confinement in a county jail.

13 7. Section 118, subdivision (b), of the Code provides that the
14 suspension/expiration/surrender/cancellation of a license shall not deprive the
15 Board/Registrar/Director of jurisdiction to proceed with a disciplinary action during the period
16 within which the license may be renewed, restored, reissued or reinstated.

17 8. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
18 administrative law judge to direct a licentiate found to have committed a violation or violations of
19 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
20 enforcement of the case, with failure of the licentiate to comply subjecting the license to not being
21 renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be
22 included in a stipulated settlement.

23 BACKGROUND

24 9. Between November 22-23, 2012, San Bernardino Sheriff's deputies were dispatched
25 to a residence after a complaint was filed by a victim claiming that there were unknown people
26 residing in her vacant house. After interviewing the residents, deputies determined that they had
27 "rented" the house from a couple that created a fraudulent rental agreement and provided keys to
28 locks that they had illegally installed in the residence. The residents informed deputies where the

1 couple could be located and advised that they would be willing to identify them. Respondent was
2 subsequently included in a CALPHOTO lineup and positively identified by the residents as one
3 of the participants in the rental scam.

4 10. A search warrant was subsequently executed at Respondent's current residence.
5 Located in her bedroom were several copies of blank rental agreements, along with several papers
6 with hand-written addresses of possible foreclosed, vacant or occupied houses in Hesperia.
7 Deputies also located a glass pipe containing suspected methamphetamine and a loaded hand gun
8 that records indicate had been previously stolen. A search of the garage revealed a large number
9 of appliances, including microwave and wall ovens, three dishwashers, two televisions, as well as
10 numerous other items. No receipts for any of the items could be found.

11 11. During execution of the search warrant, Respondent was interviewed by deputies,
12 during which she displayed symptoms of being under the influence of a controlled stimulant.
13 When asked when was the last time she used any drugs, she admitted that she last smoked one
14 week before out of the same pipe deputies located in her bedroom. After interviewing
15 Respondent, she was arrested and charged with violating Penal Code section 459 (residential
16 burglary), and Penal Code section 496(a) (receiving a known stolen firearm).

17 **FIRST CAUSE FOR DISCIPLINE**

18 *(Unprofessional Conduct – Dishonest Acts)*

19 12. Respondent is subject to disciplinary action under section 4301, subdivision (f) in
20 that, on or around November 22-23, 2012, she committed acts of dishonesty. Complainant refers
21 to, and by this reference incorporates, the allegations set forth above in paragraphs 9-11, as
22 though set forth fully herein.

23 **SECOND CAUSE FOR DISCIPLINE**

24 *(Unprofessional Conduct)*

25 13. Respondent is subject to disciplinary action under section 4301, subdivision (j) in
26 that, she violated Health and Safety Code section 11550(a) through her admitted use of
27 methamphetamine. Complainant refers to, and by this reference incorporates, the allegations set
28 forth above in paragraphs 9-11, as though set forth fully herein.

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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:

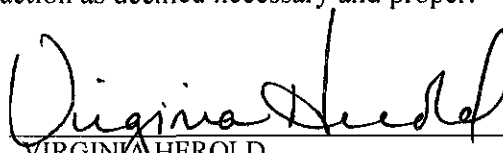
1. Revoking or suspending Pharmacy Technician License Number TCH 86480, issued to Alejandra Mendoza;

2. Ordering Alejandra Mendoza 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; and

3. Taking such other and further action as deemed necessary and proper.

DATED:

5/3/14



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