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8	BEFORE THE BOARD OF PHARMACY		
9	DEPARTMENT OF CONSUMER AFFAIRS STATE OF CALIFORNIA		
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11	In the Matter of the Accusation Against:	Case No. 4950	
12	SANDRA ALLYN CORTOPASSI 22515 Charlene Way		
13	Castro Valley, CA 94546	ACCUSATION	
14	Pharmacy Technician License No. TCH 16972		
15	Respondent.		
16	Complainant alleges:		
17	PARTIES		
18	1. Virginia Herold (Complainant) brings this Accusation solely in her official capacity		
19	as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs.		
20	2. On or about September 7, 1995, the Board of Pharmacy issued Pharmacy Technician		
21	License Number TCH 16972 to Sandra Allyn Cortopassi (Respondent). The Pharmacy		
22	Technician License was in full force and effect at all times relevant to the charges brought herein.		
23	It expired on May 31, 2015, without being renewed, and was subsequently cancelled.		
24	JURISDICTION		
25	3. This Accusation is brought before the Board of Pharmacy (Board), Department of		
26	Consumer Affairs, under the authority of the following laws. All section references are to the		
27	Business and Professions Code (Code) unless otherwise indicated.		
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		(SANDRA ALLYN CORTOPASSI) ACCUSATION	

4. Section 4011 of the Code provides that the Board shall administer and enforce both
 the Pharmacy Law [Bus. & Prof. Code, § 4000 et seq.] and the Uniform Controlled Substances
 Act [Health & Safety Code, § 11000 et seq.].

4 5. Section 4300(a) of the Code provides that every license issued by the Board may be
5 suspended or revoked.

6 6. Section 4300.1 of the Code provides that the expiration, cancellation, forfeiture, or
7 suspension of a Board-issued license, the placement of a license on a retired status, or the
8 voluntary surrender of a license by a licensee, shall not deprive the Board of jurisdiction to
9 commence or proceed with any investigation of, or action or disciplinary proceeding against, the
10 licensee or to render a decision suspending or revoking the license.

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## STATUTORY AND REGULATORY PROVISIONS

7. Section 4301 of the Code provides, in pertinent part, that the Board shall take action
against any holder of a license who is guilty of "unprofessional conduct," defined to include, but
not be limited to, any of the following:

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

(1) The conviction of a crime substantially related to the qualifications, functions, and duties
of a licensee under this chapter.

8. Section 490 of the Code provides, in pertinent part, that the Board may suspend or
revoke a license when it finds that the licensee has been convicted of a crime substantially related
to the qualifications, functions or duties of the license.

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

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10. California Code of Regulations, title 16, section 1770, states: 1 "For the purpose of denial, suspension, or revocation of a personal or facility license 2 pursuant to Division 1.5 (commencing with Section 475) of the Business and Professions Code, a 3 crime or act shall be considered substantially related to the qualifications, functions or duties of a 4 licensee or registrant if to a substantial degree it evidences present or potential unfitness of a 5 licensee or registrant to perform the functions authorized by her license or registration in a manner 6 consistent with the public health, safety, or welfare." 7 FIRST CAUSE FOR DISCIPLINE 8 (Conviction of Substantially Related Crime(s)) 9 11. Respondent is subject to discipline under section 4301(1) and/or section 490 of the 10Code, by reference to California Code of Regulations, title 16, section 1770, for the conviction of 11 substantially related crime(s), in that on or about September 14, 2015, in the criminal case *People* 12v. Sandra Cortopassi aka Sandra Allyn Cortopassi, Case No. 445078-6 in Alameda County 13 Superior Court, Respondent was convicted of violating Vehicle Code section 23152, subdivision 14 (b) (Driving With Blood Alcohol of 0.08% or Higher), a misdemeanor, as follows: 15 On or about September 10, 2012, at approximately 11:27 p.m., Alameda County a. 16 Sheriff's Office responded to a call regarding a suspicious person possibly trespassing inside an 17 abandoned house in Castro Valley, CA. Upon arrival, the responding officer(s) saw Respondent 18 in the driveway next to a truck. Respondent said she had driven the truck there, and the engine of 19 the truck was still warm. The responding officer(s) noticed the smell of alcohol from Respondent 20 21 and that she exhibited signs of being under the influence of alcohol. In response to questioning, Respondent admitted that she had been drinking. The officer(s) administered Field Sobriety Tests 22 (FSTs) to Respondent. Her performance confirmed the officer(s)' suspicions of intoxication. She 23 declined to consent to a Presumptive Alcohol Screening (PAS) device screening. 24 b. On or about October 12, 2012, Respondent was charged in Case No. 252950 in 25 Alameda County Superior Court with violating (1) Vehicle Code section 23152, subdivision (a) 26 (Driving Under the Influence of Alcohol/Drugs), a misdemeanor, and (2) Vehicle Code section 27 23152, subdivision (b) (Driving With Blood Alcohol of 0.08% or Higher), a misdemeanor. 28 3

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1	c. Significant time passed as Respondent pursued various legal options. On or		
2	about September 14, 2015, Respondent entered a plea of nolo contendere to and was found guilty		
3	of Count (2). Count (1) was dismissed. Imposition of sentence was suspended and Respondent		
4	was placed on Conditional Sentence (probation) for a period of three (3) years, with certain terms		
5	and conditions including two (2) days in jail (1 day CTS), with eligibility for the Weekend Work		
6	Program, a 3-month Driving Under the Influence School, testing, and fines and fees.		
7	SECOND CAUSE FOR DISCIPLINE		
8	(Dangerous Use of Alcohol)		
9	12. Respondent is subject to discipline under section 4301(h) of the Code, in that as		
10	described in paragraph 11, Respondent used alcohol in a dangerous manner.		
11	THIRD CAUSE FOR DISCIPLINE		
12	(Unprofessional Conduct)		
13	13. Respondent is subject to discipline under section 4301 of the Code in that, as		
14	described in paragraphs 11-12 above, Respondent engaged in unprofessional conduct.		
15	PRAYER		
16	WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,		
17	and that following the hearing, the Board of Pharmacy issue a decision:		
18	1. Revoking or suspending Pharmacy Technician License Number TCH 16972, issued to		
19	Sandra Allyn Cortopassi (Respondent);		
20	2. Ordering Respondent to pay the Board the reasonable costs of the investigation and		
21	enforcement of this case, pursuant to Business and Professions Code section 125.3;		
22	3. Taking such other and further action as deemed necessary and proper.		
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24	DATED: 11/3/15 Jugine King		
25	Executive Officer Board of Dharmacy		
26	Department of Consumer Affairs State of California		
27	Complainant		
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