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

12 In the Matter of the Accusation Against:

Case No. 5422

13 **MARIA LAGE**
3479 Senasac Avenue
Long Beach, CA 90808

A C C U S A T I O N

14 Pharmacist License No. RPH 52687

15 Respondent.

16
17 Complainant alleges:

18 **PARTIES**

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

21 2. On or about September 4, 2001, the Board issued Pharmacist License Number RPH
22 52687 to Maria Lage (Respondent). The Pharmacist License was in full force and effect at all
23 times relevant to the charges brought herein and will expire on September 30, 2015, unless
24 renewed.

25 **JURISDICTION**

26 3. This Accusation is brought before the Board under the authority of the following laws.
27 All section references are to the Business and Professions Code (Code) unless otherwise
28 indicated.

1 record of conviction shall be conclusive evidence only of the fact that the conviction occurred.
2 The board may inquire into the circumstances surrounding the commission of the crime, in order to
3 fix the degree of discipline or, in the case of a conviction not involving controlled substances or
4 dangerous drugs, to determine if the conviction is of an offense substantially related to the
5 qualifications, functions, and duties of a licensee under this chapter. A plea or verdict of guilty or
6 a conviction following a plea of nolo contendere is deemed to be a conviction within the meaning
7 of this provision. The board may take action when the time for appeal has elapsed, or the
8 judgment of conviction has been affirmed on appeal or when an order granting probation is made
9 suspending the imposition of sentence, irrespective of a subsequent order under Section 1203.4 of
10 the Penal Code allowing the person to withdraw his or her plea of guilty and to enter a plea of not
11 guilty, or setting aside the verdict of guilty, or dismissing the accusation, information, or
12 indictment."

13 7. California Code of Regulations, title 16, section 1770, states:

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

20 COST RECOVERY

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

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1 **FIRST CAUSE FOR DISCIPLINE**

2 **(Conviction of a Substantially Related Crime)**

3 9. Respondent is subject to disciplinary action under sections 4300, and 4301,
4 subdivision (l), in conjunction with, California Code of Regulations, title 16, section 1770, in that
5 the Respondent was convicted of a crime substantially related to the qualifications, functions, and
6 duties of a pharmacist, as follows:

7 a. On or about January 29, 2015, after pleading nolo contendere, Respondent was
8 convicted of one misdemeanor count of violating Vehicle Code section 23152, subdivision (b)
9 [driving while having 0.08% or more, by weight, of alcohol in her blood] in the criminal
10 proceeding entitled *The People of the State of California v. Maria Lage* (Super. Ct. L.A. County,
11 2015, No. 4SY03724). The Court sentenced Respondent to serve 4 days in Los Angeles County
12 jail, ordered her to enroll and complete an 18-month licensed second offender alcohol program,
13 ordered her to complete the Hospital and Morgue program, and placed her on 4 years probation,
14 with terms and conditions.

15 b. The circumstances surrounding the conviction are that on or about April 6, 2014,
16 Respondent was driving a vehicle and failed to fully stop at a driving under the influence
17 checkpoint, and failed to stop for officers and stop signs. Respondent stopped 20-feet beyond the
18 checkpoint. Respondent subsequently submitted to a breath test that resulted in a blood alcohol
19 concentration level of 0.19% and 0.18%.

20 **SECOND CAUSE FOR DISCIPLINE**

21 **(Alcohol Related Convictions)**

22 10. Respondent is subject to disciplinary action under section 4301, subdivision (k), on the
23 grounds of unprofessional conduct, in that, on or about January 29, 2015, Respondent sustained
24 another criminal conviction involving the consumption of alcoholic beverages. Complainant refers
25 to, and by this reference incorporates, the allegations set forth above in paragraph 9, as though
26 fully set forth herein.

27 a. In addition, on or about January 6, 2009, after pleading nolo contendere, Respondent
28 was convicted of one misdemeanor count of violating Vehicle Code section 23152, subdivision (b)

1 [driving while having 0.08% or more, by weight, of alcohol in her blood] in the criminal
2 proceeding entitled *The People of the State of California v. Maria Lage* (Super. Ct. L.A. County,
3 2009, No. 8EA13677).

4 **THIRD CAUSE FOR DISCIPLINE**

5 **(Dangerous Use of Alcohol)**

6 11. Respondent is subject to disciplinary action under sections 4301, subdivision (h), on
7 the grounds of unprofessional conduct, in that, on or about April 6, 2014, Respondent used
8 alcoholic beverages to an extent or in a manner dangerous or injurious to herself, any person, or
9 the public when she operated a vehicle after consuming alcohol. Complainant refers to, and by this
10 reference incorporates, the allegations set forth above in paragraph 9, as though fully set forth
11 herein.

12 **DISCIPLINE CONSIDERATIONS**

13 12. To determine the degree of discipline, if any, to be imposed on Respondent,
14 Complainant alleges, as follows:

15 a. On or about June 28, 2010, the Board issued Citation and Fine No. CI 2008 38675 to
16 Respondent in the amount of \$500.00, on the grounds of unprofessional conduct for violating
17 section 4301, subdivisions (h) and (l) when she was arrested on October 10, 2008 for driving
18 under the influence of alcohol and was subsequently convicted for that offence on January 6, 2009.
19 That citation is now final and incorporated by reference as though fully set forth herein.

20 b. The facts and circumstances underlying Citation and Fine No. CI 2008 38675 are that
21 on or about January 6, 2009, after pleading nolo contendere, Respondent was convicted of one
22 misdemeanor count of violating Vehicle Code section 23152, subdivision (b) [driving while having
23 0.08% or more, by weight, of alcohol in her blood] in the criminal proceeding entitled *The People*
24 *of the State of California v. Maria Lage* (Super. Ct. L.A. County, 2009, No. 8EA13677). The
25 Court sentenced Respondent to serve 96 hours in Los Angeles County jail, ordered her to enroll
26 and complete an 18-month licensed second offender alcohol program, and placed her on 36
27 months probation, with terms and conditions.

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1 c. On or about October 10, 2008, Respondent was stopped by a California Highway
2 Patrol officer after being observed driving a vehicle on the wrong side of the freeway. While
3 speaking to Respondent, the officer detected the distinct odor of an alcoholic beverage emitting
4 from within the vehicle. Respondent submitted to a series of field sobriety test which she was
5 unable to successfully perform. During the booking procedure, Respondent submitted to a breath
6 test that resulted in a blood alcohol concentration level of 0.18% and 0.17%.

7 c. On or about July 11, 2001, Respondent was convicted of one misdemeanor count of
8 violating Vehicle code section 23152, subdivision (a) [driving under the influence of alcohol or
9 drugs] in the criminal proceeding entitled *The People of the State of California v. Maria Lage*
10 (Super. Ct. Orange County, 2001, No. 01WM03480). The Court placed Respondent on 3 years
11 probation, with terms and conditions.

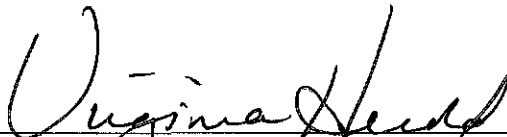
12 **PRAYER**

13 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
14 and that following the hearing, the Board issue a decision:

- 15 1. Revoking or suspending Pharmacist License No. RPH 52687, issued to Maria Lage
- 16 2. Ordering Maria Lage to pay the Board the reasonable costs of the investigation and
17 enforcement of this case, pursuant to section 125.3; and
- 18 3. Taking such other and further action as deemed necessary and proper.

19
20
21 DATED: _____

9/4/15



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

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