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

12 In the Matter of the Accusation Against:

Case No. 5431

13 **ALICE ELAIN CARRASCO**  
1920 Mt. View  
14 Dinuba, CA 93618

**A C C U S A T I O N**

15 **Pharmacy Technician Registration No. TCH**  
16 **75891**

17 Respondent.

18  
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 ("Board"), Department of Consumer Affairs.

23 2. On or about June 13, 2007, the Board issued Pharmacy Technician Registration  
24 Number TCH 75891 to Alice Elain Carrasco ("Respondent"). The Pharmacy Technician  
25 Registration expired on September 30, 2014, and was cancelled on January 4, 2015.

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1 **JURISDICTION**

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

5 4. Code section 4300 states, in pertinent part, that every license issued may be  
6 suspended or revoked.

7 5. Code section 4300.1 states:

8 "The expiration, cancellation, forfeiture, or suspension of a board-issued license by  
9 operation of law or by order or decision of the board or a court of law, the placement of a license  
10 on a retired status, or the voluntary surrender of a license by a licensee shall not deprive the board  
11 of jurisdiction to commence or proceed with any investigation of, or action or disciplinary  
12 proceeding 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:

17 ...

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

21 ...

22 (h) The use alcoholic beverages to the extent or in a manner as to be dangerous or injurious  
23 to oneself, or to any other person or to the public, or to the extent that the use impairs the ability  
24 of the person to conduct with safety to the public the practice authorized by the license.

25 ...

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

28

1           "(o) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the  
2 violation of or conspiring to violate any provision or term of this chapter or of the applicable  
3 federal and state laws and regulations governing pharmacy, including regulations established by  
4 the board or by any other state or federal regulatory agency."

5   **COST RECOVERY**

6           7.     Code section 125.3 provides, in pertinent part, that the Board may request the  
7 administrative law judge to direct a licentiate found to have committed a violation or violations of  
8 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
9 enforcement of the case, with failure of the licentiate to comply subjecting the license to not being  
10 renewed or reinstated.

11   **FIRST CAUSE FOR DISCIPLINE**

12   **(Conviction of Crimes)**

13           8.     Respondent is subject to disciplinary action under Code section 4301, subdivision (l),  
14 in that she was convicted of the following crimes which are substantially related to the  
15 qualifications, functions and duties of a pharmacy technician:

16                   a.     On or about December 5, 2014, in the case of *People v. Alice Elaine Carrasco*,  
17 (Super. Ct. Fresno County, Case No. F14901254), Respondent was convicted by the Court on her  
18 plea of nolo contendere of violating Vehicle Code section 23152(b) (driving a vehicle with a  
19 blood alcohol concentration of .08% or higher), a misdemeanor, and enhancement under Vehicle  
20 Code section 23540 for her prior conviction on or about October 7, 2008, for driving under the  
21 influence ("DUI") of alcohol as set forth below in paragraph 12. Respondent also stipulated that  
22 her blood alcohol concentration ("BAC") was .19%. Respondent was sentenced to three years  
23 probation, serve 20 days in jail which may be served in the Adult Offender Work Program, 12  
24 weeks of anger management, 18 month multiple offender alcohol program, fines and restitution,  
25 and other terms and conditions. The facts and circumstances of the crime are as follows:

26                           i.     On or about January 24, 2014, Officers with the Fresno Police Department were  
27 dispatched to a confidential location for a report of a disturbance. Upon arrival, an Officer  
28 observed a witness attempting to hold Respondent in the middle of the street. The Officer

1 subsequently detained Respondent for further investigation. The Officer's investigation resulted  
2 in finding that Respondent had a prior relationship with the victim, and went to the victim's house  
3 on or about January 24, 2014. The victim's girlfriend was at his house at the time, and  
4 Respondent proceeded to argue with the victim and his girlfriend. Respondent then hit the victim  
5 in the face with her closed fists. Respondent later left the scene in her vehicle, however  
6 immediately returned and rammed her vehicle into the victim's vehicle. Respondent then backed  
7 up and attempted to strike the victim's girlfriend with her vehicle, and then again rammed her  
8 vehicle into the victim's vehicle. When the victim exited his vehicle and attempted to speak with  
9 Respondent, she attempted to hit him again. The victim's neighbor observed the altercation, and  
10 assisted in keeping Respondent away from the victim until the Police Officers arrived. The  
11 Officers investigating at the scene observed that Respondent was extremely intoxicated and  
12 difficult to understand. Based on the officer's observations, statements, and physical evidence,  
13 Respondent was arrested for Assault with a deadly weapon not a firearm and battery. Another  
14 Officer subsequently contacted Respondent for a DUI investigation and observed that she  
15 displayed objective symptoms of alcohol intoxication. Respondent admitted to driving her  
16 vehicle while under the influence of alcohol, and was arrested for driving under the influence of  
17 alcohol. Respondent submitted to a blood test, which returned results of .19% BAC.

18           b.     On or about December 5, 2014, in the case of *People v. Alice Elaine Carrasco*,  
19 (Super. Ct. Fresno County, Case No. F14906127), Respondent was convicted by the Court on her  
20 plea of nolo contendere of violating Penal Code section 459/460(b)(b) (second degree commercial  
21 burglary), a misdemeanor<sup>1</sup>. The Court denied probation and Respondent was sentenced to serve  
22 four days in jail, with credit for four days. The facts and circumstances of the crime are as  
23 follows:

24           i.     On or about June 4, 2014, an Officer with the Fresno Police Department  
25 responded to Macy's Department Store located in Fresno, California, regarding a report of a  
26 suspect in custody for theft. The Officer spoke with the Loss Prevention officer, who witnessed

27           <sup>1</sup> Violation of Penal Code section 459/460(b)(b) is a felony. However, the Court reduced  
28 to a misdemeanor pursuant to Penal Code section 17.

1 Respondent enter the store, select several clothing items, and place them in her large green purse.  
2 She concealed the items until she exited the store without paying for them. The Loss Prevention  
3 Officer stopped Respondent outside the store and made her arrest. When the Fresno Police  
4 Officer interviewed Respondent, she admitted that she took the items. Respondent also admitted  
5 that she entered the store with the intent to steal clothes, and that she didn't have any money. The  
6 Officer checked Respondent's purse and found loose change, but no money or credit cards.  
7 Respondent was arrested for commercial burglary.

8 **SECOND CAUSE FOR DISCIPLINE**

9 **(Dangerous Use of Alcohol)**

10 9. Respondent is subject to discipline under Code section 4301, subdivision (h), for  
11 unprofessional conduct, in that on or about January 24, 2014, Respondent used alcoholic  
12 beverages to an extent or in a manner dangerous or injurious to herself, others, and the public  
13 when she operated a vehicle while under the influence of alcohol, as more fully set forth above in  
14 paragraph 8, subpart (a).

15 **THIRD CAUSE FOR DISCIPLINE**

16 **(Acts Involving Moral Turpitude, Dishonesty, Fraud, Deceit and/or Corruption)**

17 10. Respondent is subject to discipline under Code section 4301, subdivision (f), for  
18 unprofessional conduct, in that Respondent committed acts involving moral turpitude, dishonesty,  
19 fraud, deceit, and/or corruption, as more fully set forth above in paragraph 8, subpart (b).

20 **FOURTH CAUSE FOR DISCIPLINE**

21 **(Violating laws of pharmacy)**

22 11. Respondent is subject to discipline under Code section 4301, subdivision (o), for  
23 unprofessional conduct, in that Respondent violated the laws and regulations governing  
24 pharmacy, as more fully set forth above in paragraphs 8 through 10, and their subparts.

25 **MATTERS IN AGGRAVATION**

26 12. To determine the degree of discipline to be imposed on Respondent, Complainant  
27 alleges that on or about October 7, 2008, in the matter of *People v. Alice Elaine Carrasco*, (Super.  
28 Ct. Fresno County, Case No. M01089192), Respondent was convicted by the court of violating

1 Vehicle Code section 23152, subdivision (b) (driving a vehicle with a blood alcohol concentration  
2 of .08% or higher), a misdemeanor. The facts and circumstances were than on or about March 8,  
3 2008, Respondent drove a vehicle while having a BAC of .08 % or higher.

4 **PRAYER**

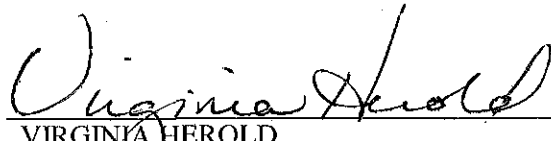
5 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,  
6 and that following the hearing, the Board of Pharmacy issue a decision:

7 1. Revoking or suspending Pharmacy Technician Registration Number TCH 75891,  
8 issued to Alice Elain Carrasco;

9 2. Ordering Alice Elain Carrasco to pay the Board of Pharmacy the reasonable costs of  
10 the investigation and enforcement of this case, pursuant to Business and Professions Code section  
11 125.3;

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

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15  
16 DATED: 7/7/15



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

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