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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. 6199

13 **SUSANA CHRISTINA MARRIOTT**
1710 Twisted River Drive
Marysville, CA 95901

A C C U S A T I O N

14 **Pharmacy Technician Registration No. TCH**
15 **56148**

16 Respondent.

17 Complainant alleges:

18 **PARTIES**

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

21 2. On or about April 20, 2004, the Board issued Pharmacy Technician Registration
22 Number TCH 56148 to Susana Christina Marriott ("Respondent"). The pharmacy technician
23 registration was in full force and effect at all times relevant to the charges brought in the
24 Accusation and will expire on February 28, 2018, unless renewed.

25 **JURISDICTION**

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

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4. Code section 4300 states, in pertinent part:

(a) Every license issued may be suspended or revoked.

(b) The board shall discipline the holder of any license issued by the board, whose default has been entered or whose case has been heard by the board and found guilty, by any of the following methods:

(1) Suspending judgment.

(2) Placing him or her upon probation.

(3) Suspending his or her right to practice for a period not exceeding one year.

(4) Revoking his or her license.

(5) Taking any other action in relation to disciplining him or her as the board in its discretion may deem proper . . .

5. Code section 4300.1 states:

The expiration, cancellation, forfeiture, or suspension of a board-issued license by operation of law or by order or decision of the board or a court of law, the placement of a license on a retired status, or the voluntary surrender of a license by a licensee shall not deprive the board of jurisdiction to commence or proceed with any investigation of, or action or disciplinary proceeding against, the licensee or to render a decision suspending or revoking the license.

STATUTORY PROVISIONS

6. Code section 4301 states, in pertinent part:

The board shall take action against any holder of a license who is guilty of unprofessional conduct or whose license has been issued by mistake. Unprofessional conduct shall include, but is not 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.

....

(k) The conviction of more than one misdemeanor or any felony involving the use, consumption, or self-administration of any dangerous drug or alcoholic beverage, or any combination of those substances.

(l) The conviction of a crime substantially related to the qualifications, functions, and duties of a licensee under this chapter. The record of conviction of a violation of Chapter 13 (commencing with Section 801) of Title 21 of the United

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

9 COST RECOVERY

10 7. Code section 125.3 provides, in pertinent part, that a Board may request the
11 administrative law judge to direct a licentiate found to have committed a violation or violations of
12 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
13 enforcement of the case.

14 FIRST CAUSE FOR DISCIPLINE

15 (Criminal Convictions)

16 8. Respondent is subject to disciplinary action for unprofessional conduct pursuant to
17 Code section 4301, subdivision (I), in that Respondent was convicted of crimes which are
18 substantially related to the qualifications, functions, and duties of a pharmacy technician, as
19 follows:

20 a. On or about April 14, 2017, in the criminal proceeding entitled *People vs. Susana*
21 *Cristina Marriott* (Yuba County Super. Ct., Case No. CRM16-02259), Respondent was convicted
22 by the Court, on her plea of no contest, of violating Penal Code section 242 (battery), a
23 misdemeanor. The imposition of Respondent's sentence was suspended and Respondent was
24 placed on probation for 3 years. The circumstances of the crime are that on or about December
25 20, 2016, Respondent willfully and unlawfully used force or violence upon the person of another,
26 specifically, Respondent's boyfriend and his son. The incident occurred while Respondent was
27 on criminal probation for her conviction of September 26, 2016, set forth in paragraph 11 below.
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1 **THIRD CAUSE FOR DISCIPLINE**

2 **(Conviction of More than one Misdemeanor**

3 **Involving the Consumption of Alcoholic beverages)**

4 10. Respondent is subject to disciplinary action for unprofessional conduct pursuant to
5 Code section 4301, subdivision (k), in that Respondent has been convicted of more than one
6 misdemeanor involving the consumption of alcoholic beverages, as set forth in paragraph 8 (b)
7 above and 11 below.

8 **MATTERS IN AGGRAVATION**

9 11. To determine the degree of discipline to be assessed against Respondent, if any,
10 Complainant alleges as follows: On or about December 13, 2016, the Board issued Citation and
11 Fine No. CI 2016 71483 against Respondent for violating Code section 4301, subdivisions (h)
12 (use of alcoholic beverages to an extent or in a manner dangerous or injurious to oneself, others
13 and the public) and (l) (conviction of a crime substantially related to the qualifications, functions,
14 and duties of a pharmacy technician). The Board ordered Respondent to pay a fine of \$1,250 by
15 January 12, 2017. The citation is currently pending and is based on the following: On or about
16 September 26, 2016, in Yuba County Superior Court, Case No. CRTR16-1277, Respondent was
17 convicted by the Court, on her plea of no contest, of violating Vehicle Code section 23152,
18 subdivision (b) (driving a vehicle while having a blood alcohol level of 0.08 percent or more), a
19 misdemeanor. The imposition of Respondent's sentence was suspended and Respondent was
20 placed on probation for 3 years on terms and conditions, including that Respondent not drive a
21 vehicle with any measurable amount of alcohol in her system.

22 **PRAYER**

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

25 1. Revoking or suspending Pharmacy Technician Registration Number TCH 56148,
26 issued to Susana Christina Marriott;

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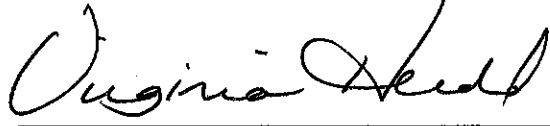
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2. Ordering Susana Christina Marriott to pay the Board of Pharmacy the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3; and,

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

DATED: 11/3/17



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

SA2017107979