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5 **BEFORE THE**
6 **BOARD OF PHARMACY**
7 **DEPARTMENT OF CONSUMER AFFAIRS**
8 **STATE OF CALIFORNIA**

9 In the Matter of the Accusation Against:

Case No. 3390

10 **CRISTINA ALONSO**
11 **11501 N. Poema Place, #204**
12 **Chatsworth, CA 91311**

DEFAULT DECISION AND ORDER

Pharmacy Technician License No. TCH 56096

[Gov. Code, §11520]

13 Respondent.

14
15 FINDINGS OF FACT

16 1. On or about March 15, 2010, Complainant Virginia Herold, in her official capacity as
17 the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs, filed
18 Accusation No. 3390 against Cristina Alonso (Respondent) before the Board of Pharmacy.

19 2. On or about April 20, 2004, the Board of Pharmacy (Board) issued Pharmacy
20 Technician License No. TCH 56096 to Respondent. The License was in full force and effect at
21 all times relevant to the charges brought herein, and will expire on October 31, 2011, if not
22 renewed.

23 3. On or about March 24, 2010, S. Reyes, an employee of the Department of Justice,
24 served by Certified and First Class Mail a copy of the Accusation No. 3390, a Statement to
25 Respondent, two copies of a form Notice of Defense, a Request for Discovery, and copies of
26 Government Code sections 11507.5, 11507.6, and 11507.7 to Respondent's address of record with
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1 the Board: 11501 N. Poema Place, #204, Chatsworth, CA 91311. Copies of the Accusation are
2 attached as exhibit A, and are incorporated herein by reference.

3 4. Service of the Accusation was effective as a matter of law under the provisions of
4 Government Code section 11505, subdivision (c).

5 5. Government Code section 11506 states, in pertinent part:

6 (c) The respondent shall be entitled to a hearing on the merits if the respondent files a
7 notice of defense, and the notice shall be deemed a specific denial of all parts of the accusation
8 not expressly admitted. Failure to file a notice of defense shall constitute a waiver of respondent's
9 right to a hearing, but the agency in its discretion may nevertheless grant a hearing.

10 6. Respondent failed to file a Notice of Defense within 15 days after service upon her of
11 the Accusation, and therefore waived her right to a hearing on the merits of Accusation No. 3390.

12 7. California Government Code section 11520 states, in pertinent part:

13 (a) If the respondent either fails to file a notice of defense or to appear at the hearing, the
14 agency may take action based upon the respondent's express admissions or upon other evidence
15 and affidavits may be used as evidence without any notice to respondent.

16 8. Pursuant to its authority under Government Code section 11520, the Board finds
17 Respondent is in default. The Board will take action without further hearing and, based on the
18 evidence on file herein, finds that the allegations in Accusation No. 3390 are true.

19 9. The total costs for investigation and enforcement in connection with the Accusation
20 are \$2,380.00 as of April 9, 2010.

21
22 DETERMINATION OF ISSUES

23 1. Based on the foregoing findings of fact, Respondent Cristina Alonso has subjected
24 her Pharmacy Technician License No. TCH 56096 to discipline.

25 2. A copy of the Accusation is attached.

26 3. The agency has jurisdiction to adjudicate this case by default.

27 4. The Board of Pharmacy is authorized to revoke Respondent's Pharmacy Technician
28 License based upon the following violations alleged in the Accusation:

1 a. Respondent violated section 4301, subdivision (f) of the Business and Professions
2 Code in that she committed an act involving moral turpitude, dishonesty, fraud, deceit and/or
3 corruption;

4 b. Respondent violated section 4060 of the Business and Professions Code in that she
5 unlawfully possessed a controlled substance, methamphetamine.

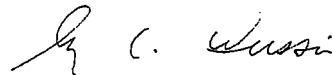
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7 ORDER

8 IT IS SO ORDERED that Pharmacy Technician Registration No. TCH 56096, heretofore
9 issued to Respondent Cristina Alonso, is revoked.

10 Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a
11 written motion requesting that the Decision be vacated and stating the grounds relied on within
12 seven (7) days after service of the Decision on Respondent. The agency in its discretion may
13 vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

14 This Decision shall become effective on August 5, 2010.

15 It is so ORDERED July 6, 2010.

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18 STANLEY C. WEISSER, BOARD PRESIDENT
19 FOR THE BOARD OF PHARMACY
20 DEPARTMENT OF CONSUMER AFFAIRS

21 Attachment: Exhibit A: Accusation No. 3390
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Exhibit A
Accusation No. 3390

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Attorneys for Complainant
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8 **BEFORE THE**
BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
9 **STATE OF CALIFORNIA**

10 In the Matter of the Accusation Against:

Case No. 3390

11 **CRISTINA ALONSO**
12 **11501 N. Poema Pl., #204**
13 **Chatsworth, CA 91311**
Pharmacy Technician Registration No. TCH
56096

A C C U S A T I O N

14 Respondent.
15

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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, Department of Consumer Affairs.

21 2. On or about April 20, 2004, the Board of Pharmacy issued Pharmacy Technician
22 Registration Number TCH 56096 to Cristina Alonso (Respondent). The Pharmacy Technician
23 Registration was in full force and effect at all times relevant to the charges brought herein. The
24 license will expire on October 31, 2011, unless renewed.

25 **JURISDICTION**

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

1 4. Section 4301 of the Code states:

2 "The board shall take action against any holder of a license who is guilty of unprofessional
3 conduct or whose license has been procured by fraud or misrepresentation or issued by mistake.

4 Unprofessional conduct shall include, but is not limited to, any of the following:

5 ...

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

9 ...

10 5. Section 4060 of the Code states:

11 "No person shall possess any controlled substance, except that furnished to a person upon
12 the prescription of a physician, dentist, podiatrist, optometrist, veterinarian, or naturopathic doctor
13 pursuant to Section 3640.7, or furnished pursuant to a drug order issued by a certified
14 nurse-midwife pursuant to Section 2746.51, a nurse practitioner pursuant to Section 2836.1, or a
15 physician assistant pursuant to Section 3502.1, or naturopathic doctor pursuant to Section 3640.5,
16 or a pharmacist pursuant to either subparagraph (D) of paragraph (4) of, or clause (iv) of
17 subparagraph (A) of paragraph (5) of, subdivision (a) of Section 4052. This section shall not
18 apply to the possession of any controlled substance by a manufacturer, wholesaler, pharmacy,
19 pharmacist, physician, podiatrist, dentist, optometrist, veterinarian, naturopathic doctor, certified
20 nurse-midwife, nurse practitioner, or physician assistant, when in stock in containers correctly
21 labeled with the name and address of the supplier or producer.

22 "Nothing in this section authorizes a certified nurse-midwife, a nurse practitioner, a
23 physician assistant, or a naturopathic doctor, to order his or her own stock of dangerous drugs and
24 devices."

25 6. Section 118, subdivision (b), of the Code provides that the suspension, expiration,
26 surrender or cancellation of a license shall not deprive the Board of jurisdiction to proceed with a
27 disciplinary action during the period within which the license may be renewed, restored, reissued
28 or reinstated.

1 **COST RECOVERY**

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

6 **FIRST CAUSE FOR DISCIPLINE**

7 **(Commission of an Act Involving Moral Turpitude, Dishonesty, Fraud, Deceit or**
8 **Corruption)**

9 8. Respondent is subject to disciplinary action under section 4301, subdivision (f) of the
10 Code in that she committed an act involving moral turpitude, dishonesty, fraud, deceit and/or
11 corruption. The circumstances are as follows:

12 a. On or about May 25, 2008, a County of San Bernardino Sheriff's Deputy conducted
13 an enforcement stop on a boat for "bow riding" in the Colorado River/ Lake Havasu area. Upon
14 conducting a record check of the driver's identification, the deputy determined that he was a Los
15 Angeles County probationer. Accordingly, the deputy conducted a probation search of the driver
16 and the area where he was sitting. In that area, there was a bag that was later determined to
17 belong to Respondent. The deputy asked who the bag belonged to. According to the deputy,
18 Respondent replied that "everyone's stuff was in the bag." Upon searching the bag, the deputy
19 found a purse. Inside of the purse the deputy located two dollar bills folded up. As the deputy
20 unfolded the dollar bills, he observed that there was a "usable amount of methamphetamine in
21 each bill." The deputy told Respondent that he had found contraband in her purse. Respondent
22 stated that a friend of hers was keeping some of her property in Respondent's purse. When the
23 deputy asked where the friend was, Respondent replied that she did not know and she could not
24 give the deputy a name for the friend that left the property in her purse.

25 b. The deputy placed Respondent under arrest for violation of Health & Safety Code
26 section 11377, subdivision (a) (possession of a controlled substance, methamphetamine) and
27 transported her to the Sheriff's command post where the deputy conducted an interview of
28 Respondent. Respondent told the deputy that she was at the Colorado River with some friends.

1 She met a female there but could not remember her name. Respondent stated that she got into a
2 physical altercation with the female over a boy that she liked. Respondent stated that the friend
3 placed some property in Respondent's purse after the physical altercation. Respondent denied
4 using methamphetamine and claimed that she was unaware that it was in her purse.

5 c. The deputy tested a sample of the substance he found in Respondent's purse using a
6 Marquis Reagent test kit. The test revealed the presence of amphetamines.

7 d. The case was forwarded to the District Attorney's Office for review and filing. On or
8 about July 3, 2008, in case number MNE800146, a misdemeanor complaint of one count of
9 violation of Health & Safety Code section 11377, subdivision (a) was filed against Respondent.
10 Respondent failed to appear at her arraignment on August 11, 2008. On August 13, 2008, a
11 bench warrant was issued by the court, bail was set at \$20,000 and Respondent was given fugitive
12 status by the court. As of the date of the filing of this Accusation, Respondent is not in custody
13 and the bench warrant is still active.

14 **SECOND CAUSE FOR DISCIPLINE**

15 **(Unlawful Possession of a Controlled Substance)**

16 9. Respondent is subject to disciplinary action under section 4060 in that she unlawfully
17 possessed a controlled substance, methamphetamine, as set forth in paragraph 8, subsections (a)
18 through (d) above. Complainant refers to, and by this reference incorporates, the allegations set
19 forth above in paragraph 8, subsections (a) through (d), as though set forth fully.

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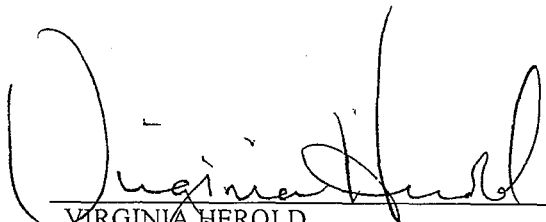
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PRAYER

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 Registration Number TCH 56096, issued to Cristina Alonso.
2. Ordering Cristina Alonso 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;
3. Taking such other and further action as deemed necessary and proper.

DATED: 3/15/10



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

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accusation.rtf