

**BEFORE THE  
BOARD OF PHARMACY  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

Case No. 3707

**ELIZABETH MENDOZA**

175 N. Pollasky, #102  
Clovis, CA 93612

Pharmacy Technician License No. TCH 766

Respondent.

**DECISION AND ORDER**

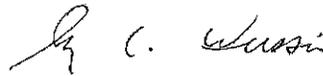
The attached Stipulated Surrender of License and Order is hereby adopted by the Board of Pharmacy, Department of Consumer Affairs, as its Decision in this matter.

This decision shall become effective on October 15, 2012.

It is so ORDERED on September 14, 2012.

BOARD OF PHARMACY  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

By



\_\_\_\_\_  
STANLEY C. WEISSER  
Board President

1 KAMALA D. HARRIS  
Attorney General of California  
2 ARTHUR D. TAGGART  
Supervising Deputy Attorney General  
3 JEFFREY M. PHILLIPS  
Deputy Attorney General  
4 State Bar No. 154990  
1300 I Street, Suite 125  
5 P.O. Box 944255  
Sacramento, CA 94244-2550  
6 Telephone: (916) 324-6292  
Facsimile: (916) 327-8643  
7 *Attorneys for Complainant*

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. 3707

13 **ELIZABETH A. MENDOZA**  
175 N. Pollasky, #102,  
Clovis, CA 93612

**STIPULATED SURRENDER OF  
LICENSE AND ORDER**

14 **Pharmacy Technician Registration**  
15 **No. TCH 766**

16 Respondent.

17  
18 In the interest of a prompt and speedy settlement of this matter, consistent with the public  
19 interest and the responsibility of the Board of Pharmacy of the Department of Consumer Affairs,  
20 the parties hereby agree to the following Stipulated Surrender and Disciplinary Order which will  
21 be submitted to the Board for approval and adoption as the final disposition of the Accusation.

22 PARTIES

23 1. Virginia Herold (Complainant) is the Executive Officer of the Board of Pharmacy.  
24 She brought this action solely in her official capacity and is represented in this matter by Kamala  
25 D. Harris, Attorney General of the State of California, by Jeffrey M. Phillips, Deputy Attorney  
26 General.

27 2. Elizabeth A. Mendoza (Respondent) is representing herself in this proceeding and has  
28 chosen not to exercise her right to be represented by counsel.







1 to be true, correct, and admitted by Respondent for the purpose of any Statement of Issues or any  
2 other proceeding seeking to deny or restrict licensure.

3  
4 ACCEPTANCE

5 I have carefully read the Stipulated Surrender of License and Order. I understand the  
6 stipulation and the effect it will have on my Pharmacy Technician Registration. I enter into this  
7 Stipulated Surrender of License and Order voluntarily, knowingly, and intelligently, and agree to  
8 be bound by the Decision and Order of the Board of Pharmacy.

9  
10  
11 DATED: 6-4-12

  
12 ELIZABETH A. MENDOZA  
13 Respondent

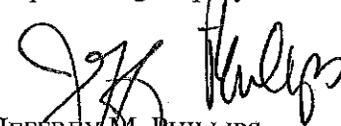
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15 ENDORSEMENT

16 The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted  
17 for consideration by the Board of Pharmacy of the Department of Consumer Affairs.

18  
19 Dated: 7/20/12

Respectfully submitted,

20 KAMALA D. HARRIS  
Attorney General of California  
21 ARTHUR D. TAGGART  
Supervising Deputy Attorney General

22  
23   
24 JEFFREY M. PHILLIPS  
Deputy Attorney General  
Attorneys for Complainant

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26  
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**Exhibit A**

**Accusation No. 3707**

1 KAMALA D. HARRIS  
Attorney General of California  
2 ARTHUR D. TAGGART  
Supervising Deputy Attorney General  
3 JEFFREY M. PHILLIPS  
Deputy Attorney General  
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7 *Attorneys for Complainant*

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

11 In the Matter of the Accusation Against:

Case No. 3707

12 **ELIZABETH A. MENDOZA**  
13 **8594 N. Colfax**  
14 **Fresno, CA 93720**  
15 **Pharmacy Technician Registration**  
16 **No. TCH 766**

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

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 **Pharmacy Technician Registration**

22 2. On or about October 19, 2002, the Board issued Pharmacy Technician Registration  
23 Number TCH 766 to Elizabeth A. Mendoza ("Respondent"). The pharmacy technician  
24 registration was in full force and effect at all times relevant to the charges brought herein and will  
25 expire on March 31, 2012, unless renewed.

26 ///

27 ///

28 ///



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

4 (l) The conviction of a crime substantially related to the qualifications,  
5 functions, and duties of a licensee under this chapter. The record of conviction of a  
6 violation of Chapter 13 (commencing with Section 801) of Title 21 of the United  
7 States Code regulating controlled substances or of a violation of the statutes of this  
8 state regulating controlled substances or dangerous drugs shall be conclusive  
9 evidence of unprofessional conduct. In all other cases, the record of conviction shall  
10 be conclusive evidence only of the fact that the conviction occurred. The board may  
11 inquire into the circumstances surrounding the commission of the crime, in order to  
12 fix the degree of discipline or, in the case of a conviction not involving controlled  
13 substances or dangerous drugs, to determine if the conviction is of an offense  
14 substantially related to the qualifications, functions, and duties of a licensee under this  
15 chapter. A plea or verdict of guilty or a conviction following a plea of nolo  
16 contendere is deemed to be a conviction within the meaning of this provision. The  
17 board may take action when the time for appeal has elapsed, or the judgment of  
18 conviction has been affirmed on appeal or when an order granting probation is made  
19 suspending the imposition of sentence, irrespective of a subsequent order under  
20 Section 1203.4 of the Penal Code allowing the person to withdraw his or her plea of  
21 guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or  
22 dismissing the accusation, information, or indictment.

### 23 COST RECOVERY

24 6. Code section 125.3 states, in pertinent part, that the Board may request the  
25 administrative law judge to direct a licensee found to have committed a violation or violations of  
26 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
27 enforcement of the case.

### 28 FIRST CAUSE FOR DISCIPLINE

#### (Criminal Convictions)

7. Respondent is subject to discipline pursuant to Code section 4301, subdivision (l), on  
the grounds of unprofessional conduct, in that Respondent has been convicted of the following  
crimes that are substantially related to the qualifications, functions, and duties of a registered  
pharmacy technician:

a. On September 24, 2007, in the Superior Court, County of Fresno, California, in the  
matter entitled *People vs. Elizabeth Ann Mendoza* (2007), Case No. M07001717 M A,  
Respondent was convicted by the court following her plea of nolo contendere to a violation of  
Vehicle Code section 23152, subdivision (a) (driving under the influence of alcohol), a  
misdemeanor. The circumstances of the crime are that on July 6, 2007, Respondent was arrested

1 for driving under the influence of alcohol, following a traffic stop. Respondent's blood alcohol  
2 level measured .14%. Respondent was placed on probation for a period of three years. On or  
3 about December 21, 2008, Respondent violated probation by being arrested for a second DUI  
4 offense, as more particularly set forth in subparagraph b, below.

5 b. On June 30, 2009, in the Superior Court, County of Fresno, California, in the matter  
6 entitled *People vs. Elizabeth Ann Mendoza* (2009), Case No. F09901807, Respondent was  
7 convicted by the court following her plea of no contest to a violation of Vehicle Code section  
8 23152, subdivision (b) (driving with a blood alcohol level of .08% or more, causing injury with a  
9 prior DUI), a felony. The circumstances of the crime are that on December 21, 2008, Respondent  
10 was arrested for driving under the influence of alcohol, following a traffic collision caused by  
11 Respondent. Respondent's blood alcohol level measured .15%.

12 **SECOND CAUSE FOR DISCIPLINE**

13 **(Use Alcoholic Beverages to an Extent or in a Manner Dangerous or Injurious**  
14 **to Herself or Others)**

15 8. Respondent is subject to discipline pursuant to Code section 4301, subdivision (h), on  
16 the grounds of unprofessional conduct, in that on or about July 6, 2007, and December 21, 2008,  
17 Respondent used alcoholic beverages to an extent or in a manner dangerous or injurious to herself  
18 or others as more particularly set forth in paragraph 7, subparagraphs a and b, above.

19 **THIRD CAUSE FOR DISCIPLINE**

20 **(Conviction of a Felony Involving the Use of Alcoholic Beverages)**

21 9. Respondent is subject to discipline pursuant to Code section 4301, subdivision (k), on  
22 the grounds of unprofessional conduct, in that on or about June 30, 2009, Respondent was  
23 convicted of a felony involving her use of alcoholic beverages, as more particularly set forth in  
24 paragraphs 7, subparagraph b, above, and paragraph 8, above.

25 **PRAYER**

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

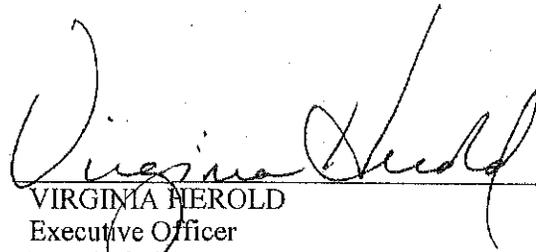
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1. Revoking or suspending Pharmacy Technician Registration Number TCH 766, issued to Elizabeth A. Mendoza;
2. Ordering Elizabeth A. Mendoza to pay the Board of Pharmacy the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3; and,
3. Taking such other and further action as deemed necessary and proper.

DATED:

4/27/11



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

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