

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

In the Matter of the Accusation Against:

Case No. 3721

LISA MARIE DOROSKY

1509 Ocean Avenue
Seal Beach, CA 90740

Original Pharmacy Technician Registration No.
TCH 63119

Respondent.

DECISION AND ORDER

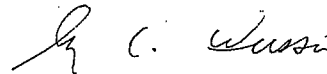
The attached Stipulated Surrender of License and Order is hereby adopted by the Board of Pharmacy, Department of Consumer Affairs, as its Decision in this matter.

This decision shall become effective on November 18, 2010.

It is so ORDERED October 19, 2010.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

By



STANLEY C. WEISSER
Board President

1 EDMUND G. BROWN JR.
Attorney General of California
2 LINDA K. SCHNEIDER
Supervising Deputy Attorney General
3 NICOLE R. COOK
Deputy Attorney General
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Attorneys for Complainant

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

11
12 Case No. 3721

13 In the Matter of the Accusation Against:

14 LISA MARIE DOROSKY, TCH
1509 Ocean Avenue
Seal Beach, CA 90740

**STIPULATED SURRENDER OF
LICENSE AND ORDER**

16 Pharmacy Technician Registration No. TCH
63119

17 Respondent.

18
19 IT IS HEREBY STIPULATED AND AGREED by and between the parties in this
20 proceeding that the following matters are true:

21 **PARTIES**

22 1. Virginia Herold (Complainant) is the Executive Officer of the Board of Pharmacy.
23 She brought this action solely in her official capacity and is represented in this matter by Edmund
24 G. Brown Jr., Attorney General of the State of California, by Nicole R. Cook, Deputy Attorney
25 General.

26 2. Lisa Marie Dorosky (Respondent) is representing herself in this proceeding and has
27 chosen not to exercise her right to be represented by counsel.
28

1 3. On or about June 13, 2005, the Board of Pharmacy issued Pharmacy Technician
2 Registration No. TCH 63119 to Lisa Marie Dorosky (Respondent). The license was in full force
3 and effect at all times relevant to the charges brought in Accusation No. 3721 and will expire on
4 March 31, 2011, unless renewed.

5 **JURISDICTION**

6 4. Accusation No. 3721 was filed before the Board of Pharmacy (Board) Department of
7 Consumer Affairs, and is currently pending against Respondent. The Accusation and all other
8 statutorily required documents were properly served on Respondent on July 23, 2010.
9 Respondent timely filed her Notice of Defense contesting the Accusation. A copy of Accusation
10 No. 3721 is attached as exhibit A and incorporated herein by reference.

11 **ADVISEMENT AND WAIVERS**

12 5. Respondent has carefully read, and understands the charges and allegations in
13 Accusation No. 3721. Respondent also has carefully read, and understands the effects of this
14 Stipulated Surrender of License and Order.

15 6. Respondent is fully aware of her legal rights in this matter, including the right to a
16 hearing on the charges and allegations in the Accusation; the right to be represented by counsel, at
17 her own expense; the right to confront and cross-examine the witnesses against her; the right to
18 present evidence and to testify on her own behalf; the right to the issuance of subpoenas to
19 compel the attendance of witnesses and the production of documents; the right to reconsideration
20 and court review of an adverse decision; and all other rights accorded by the California
21 Administrative Procedure Act and other applicable laws.

22 7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and
23 every right set forth above.

24 **CULPABILITY**

25 8. Respondent admits the truth of each and every charge and allegation in Accusation
26 No. 3721, agrees that cause exists for discipline and hereby surrenders her Pharmacy Technician
27 Registration No. TCH 63119 for the Board's formal acceptance.
28

9. Respondent understands that by signing this stipulation she enables the Board to issue an order accepting the surrender of her Pharmacy Technician Registration without further process.

CONTINGENCY

10. This stipulation shall be subject to approval by the Board of Pharmacy. Respondent understands and agrees that counsel for Complainant and the staff of the Board of Pharmacy may communicate directly with the Board regarding this stipulation and surrender, without notice to or participation by Respondent. By signing the stipulation, Respondent understands and agrees that she may not withdraw her agreement or seek to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order, the Stipulated Surrender and Disciplinary Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not be disqualified from further action by having considered this matter.

11. The parties understand and agree that facsimile copies of this Stipulated Surrender of License and Order, including facsimile signatures thereto, shall have the same force and effect as the originals.

12. This Stipulated Surrender of License and Order is intended by the parties to be an integrated writing representing the complete, final, and exclusive embodiment of their agreement. It supersedes any and all prior or contemporaneous agreements, understandings, discussions, negotiations, and commitments (written or oral). This Stipulated Surrender of License and Order may not be altered, amended, modified, supplemented, or otherwise changed except by a writing executed by an authorized representative of each of the parties.

13. In consideration of the foregoing admissions and stipulations, the parties agree that the (Board) may, without further notice or formal proceeding, issue and enter the following Order:

ORDER

IT IS HEREBY ORDERED that Pharmacy Technician Registration No. TCH 63119, issued to Respondent Lisa Marie Dorosky, is surrendered and accepted by the Board of Pharmacy.

14. The surrender of Respondent's Pharmacy Technician Registration and the acceptance of the surrendered license by the Board shall constitute the imposition of discipline against Respondent. This stipulation constitutes a record of the discipline and shall become a part of Respondent's license history with the Board.

15. Respondent shall lose all rights and privileges as a pharmacy technician in California as of the effective date of the Board's Decision and Order.

16. Respondent shall cause to be delivered to the Board both her wall license certificate and, if one was issued, pocket license on or before the effective date of the Decision and Order.

17. If Respondent ever applies for licensure or petitions for reinstatement in the State of California, the Board shall treat it as a new application for licensure.

18. Respondent may not apply for any license, permit or registration from the Board for three (3) years from the effective date of this decision. Respondent stipulates that should she apply for any license from the Board on or after the effective date of this decision, all allegations set forth in Accusation No. 3721 shall be deemed to be true, correct and admitted by Respondent when the Board determines whether to grant or deny the application. Respondent must comply with all the laws, regulations and procedures for licensure in effect at the time the application or petition is filed. Respondent is required to report this surrender as disciplinary action.

19. Respondent shall pay the Board its costs of investigation and enforcement in the amount of \$952.50 prior to issuance of a new or reinstated license.

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ACCEPTANCE

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

DATED: 8/08/10


LISA MARIE DOROSKY, TCH
Respondent


ENDORSEMENT

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

DATED: 8/2/10

Respectfully submitted,

EDMUND G. BROWN JR.
Attorney General of California
LINDA K. SCHNEIDER
Supervising Deputy Attorney General


NICOLE R. COOK
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Accusation No. 3721

1 EDMUND G. BROWN JR.
Attorney General of California
2 LINDA K. SCHNEIDER
Supervising Deputy Attorney General
3 NICOLE R. COOK
Deputy Attorney General
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13 In the Matter of the Accusation Against:

14 LISA MARIE DOROSKY
1509 Ocean Avenue
Seal Beach, CA 90740

A C C U S A T I O N

15 Pharmacy Technician Registration No. TCH
63119

16
17 Respondent.

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19
20 Complainant alleges:

21 **PARTIES**

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

24 2. On or about June 13, 2005, the Board of Pharmacy issued Original Pharmacy
25 Technician Registration Number TCH 63119 to Lisa Marie Dorosky (Respondent). The Original
26 Pharmacy Technician Registration was in full force and effect at all times relevant to the charges
27 brought herein and will expire on March 31, 2011, unless renewed.
28

1 **JURISDICTION**

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

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

9 5. Section 4300, subdivision (a) of the Code states "Every license issued may be
10 suspended or revoked."

11 **STATUTORY PROVISIONS**

12 6. Section 482 of the Code states:

13 Each board under the provisions of this code shall develop criteria to
14 evaluate the rehabilitation of a person when:

15 (a) Considering the denial of a license by the board under Section 480; or

16 (b) Considering suspension or revocation of a license under Section 490.

17 Each board shall take into account all competent evidence of rehabilitation
18 furnished by the applicant or licensee.

19 7. Section 490 of the Code provides, in pertinent part, that a board may suspend or
20 revoke a license on the ground that the licensee has been convicted of a crime substantially
21 related to the qualifications, functions, or duties of the business or profession for which the
22 license was issued.

23 8. Section 493 of the Code states:

24 Notwithstanding any other provision of law, in a proceeding conducted by a
25 board within the department pursuant to law to deny an application for a license or
26 to suspend or revoke a license or otherwise take disciplinary action against a
27 person who holds a license, upon the ground that the applicant or the licensee has
28 been convicted of a crime substantially related to the qualifications, functions, and
duties of the licensee in question, the record of conviction of the crime shall be
conclusive evidence of the fact that the conviction occurred, but only of that fact,

1 and the board may inquire into the circumstances surrounding the commission of
2 the crime in order to fix the degree of discipline or to determine if the conviction is
substantially related to the qualifications, functions, and duties of the licensee in
question.

3 As used in this section, "license" includes "certificate," "permit,"
4 "authority," and "registration."

5 9. Section 4301 of the Code states:

6 The board shall take action against any holder of a license who is guilty of
7 unprofessional conduct or whose license has been procured by fraud or
8 misrepresentation or issued by mistake. Unprofessional conduct shall include, but
is not limited to, any of the following:

9

10 (g) Knowingly making or signing any certificate or other document that
11 falsely represents the existence or nonexistence of a state of facts.

12 (h) The administering to oneself, of any controlled substance, or the use of
13 any dangerous drug or of alcoholic beverages to the extent or in a manner as to be
14 dangerous or injurious to oneself, to a person holding a license under this chapter,
15 or to any other person or to the public, or to the extent that the use impairs the
16 ability of the person to conduct with safety to the public the practice authorized by
the license.

16

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

20 (l) The conviction of a crime substantially related to the qualifications,
21 functions, and duties of a licensee under this chapter. The record of conviction of
22 a violation of Chapter 13 (commencing with Section 801) of Title 21 of the United
23 States Code regulating controlled substances or of a violation of the statutes of this
24 state regulating controlled substances or dangerous drugs shall be conclusive
25 evidence of unprofessional conduct. In all other cases, the record of conviction
26 shall be conclusive evidence only of the fact that the conviction occurred. The
27 board may inquire into the circumstances surrounding the commission of the
28 crime, in order to fix the degree of discipline or, in the case of a conviction not
involving controlled substances or dangerous drugs, to determine if the conviction
is of an offense substantially related to the qualifications, functions, and duties of a
licensee under this chapter. A plea or verdict of guilty or a conviction following a
plea of nolo contendere is deemed to be a conviction within the meaning of this
provision. The board may take action when the time for appeal has elapsed, or the
judgment of conviction has been affirmed on appeal or when an order granting
probation is made suspending the imposition of sentence, irrespective of a

1 subsequent order under Section 1203.4 of the Penal Code allowing the person to
2 withdraw his or her plea of guilty and to enter a plea of not guilty, or setting aside
3 the verdict of guilty, or dismissing the accusation, information, or indictment.

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REGULATORY PROVISIONS

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

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

11. California Code of Regulations, title 16, section 1769, states:

....

(b) When considering the suspension or revocation of a facility or a personal license on the ground that the licensee or the registrant has been convicted of a crime, the board, in evaluating the rehabilitation of such person and his present eligibility for a license will consider the following criteria:

- (1) Nature and severity of the act(s) or offense(s).
- (2) Total criminal record.
- (3) The time that has elapsed since commission of the act(s) or offense(s).
- (4) Whether the licensee has complied with all terms of parole, probation, restitution or any other sanctions lawfully imposed against the licensee.
- (5) Evidence, if any, of rehabilitation submitted by the licensee.

COST RECOVERY

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

1 **FIRST CAUSE FOR DISCIPLINE**

2 **(February 20, 2002 Conviction for DUI on October 25, 2001)**

3 13. Respondent is subject to disciplinary action under sections 490 and 4301(l) of the
4 Code in that she was convicted of crime that is substantially related to the qualifications, duties,
5 and functions of a pharmacy technician. The circumstances are as follows:

6 a. On or about February 20, 2002, in a criminal proceeding entitled *The People of*
7 *the State of California v. Lisa Marie Dorosky*, in Orange County Superior Court case number
8 CH01WM10030, Respondent was convicted on her plea of guilty for violation of Vehicle Code
9 section 23152(A), driving under the influence of alcohol, Vehicle Code section 23152(B), driving
10 with a blood alcohol content of .08 or more, and Vehicle Code section 14601.1, driving on a
11 suspended license. On her plea of guilty, Respondent admitted that she "willfully and unlawfully
12 drove a vehicle while under the influence of alcohol with a blood alcohol level above a .20."
13 Respondent's blood alcohol level was .31 percent by weight.

14 b. As a result of her conviction, Respondent was placed on summary probation for a
15 period of 3 years. Respondent was ordered to obey all laws, complete 160 hours of community
16 service, pay \$1,864 in fines and fees, attend a MADD panel meeting, and appear at the Alcohol
17 Liaison Office.

18 **SECOND CAUSE FOR DISCIPLINE**

19 **(July 23, 2009 Conviction for DUI on January 26, 2009)**

20 14. Respondent is subject to disciplinary action under sections 490 and 4301(l) of the
21 Code in that she was convicted of crime that is substantially related to the qualifications, duties,
22 and functions of a pharmacy technician. The circumstances are as follows:

23 a. On or about July 23, 2009, in a criminal proceeding entitled *The People of the*
24 *State of California v. Lisa Marie Dorosky* in Orange County Superior Court case number
25 09WM01738 Respondent was convicted on her plea of guilty for violation of Vehicle Code
26 section 23152(a), driving under the influence of alcohol.

27 b. The circumstances which led to the conviction are that on or about January 26,
28 2009, an officer from the Seal Beach Police Department responded to a dispatch reporting a

1 possible drunk driver. The officer located the vehicle exiting the drive-through at McDonalds on
2 PCH and Marina Drive. The vehicle drove very slowly through the parking lot and made a wide
3 turn onto Marina. The officer observed the vehicle drifting towards the left curb, nearly hitting it.
4 After the officer observed the vehicle driving consistently at a 10 mile-per-hour pace in a 25 mile-
5 per-hour zone, the officer initiated a traffic stop and Respondent was identified as the driver of
6 the vehicle. When the officer contacted Respondent, he smelled an odor of alcohol on her breath,
7 her eyes were bloodshot and watery, and her speech was slow and slurred. Respondent exited
8 and held onto her vehicle for support. Respondent attempted to perform the field sobriety tests,
9 stumbled and said "I can't do this." Respondent refused to complete the tests and she was
10 arrested for driving under the influence of alcohol. A blood sample was obtained from
11 Respondent at the Seal Beach Police Department. Respondent's blood alcohol level was .30
12 percent by weight.

13 c. As a result of her conviction, on or about July 23, 2009, Respondent was sentenced
14 3 years summary probation, ordered to attend and complete the Multiple Offender Alcohol
15 Program, required to pay all fines, fees and restitution, and sentenced to 60 days in custody.

16 **THIRD CAUSE FOR DISCIPLINE**

17 **(Unprofessional Conduct – Use of Alcohol in a Manner Dangerous to Self or Others)**

18 15. Respondent is subject to disciplinary action under section 4301(h) of the Code for
19 unprofessional conduct in that Respondent used alcohol to an extent which was dangerous to
20 herself or others, as is set forth above in paragraphs 13 through 14, which are incorporated herein
21 by reference as though fully set forth herein.

22 **FOURTH CAUSE FOR DISCIPLINE**

23 **(Unprofessional Conduct – Two Misdemeanor Convictions Involving Use Alcohol)**

24 16. Respondent is subject to disciplinary action under section 4301(k) of the Code for
25 unprofessional conduct in that Respondent was convicted of more than one misdemeanor
26 involving the use or consumption of alcohol, as is set forth above in paragraphs 13 and 14, which
27 are incorporated herein by reference as though fully set forth herein.
28

1 FIFTH CAUSE FOR DISCIPLINE

2 (Unprofessional Conduct – Falsely Stating Facts on Application for Licensure)

3 17. Respondent is subject to disciplinary action under section 4301(g) of the Code for
4 unprofessional conduct in that Respondent falsely represented facts on her application for
5 licensure as a pharmacy technician when she failed to disclose her February 20, 2002 conviction
6 for driving under the influence of alcohol, and instead represented that she did not have any
7 convictions.

8 PRAYER

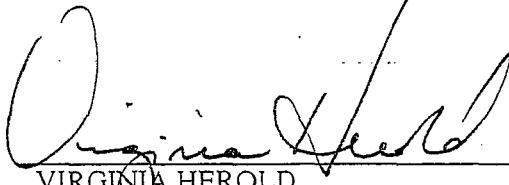
9 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
10 and that following the hearing, the Board of Pharmacy issue a decision:

11 1. Revoking or suspending Pharmacy Technician Registration Number TCH 63119,
12 issued to Lisa Marie Dorosky

13 2. Ordering Lisa Marie Dorosky to pay the Board of Pharmacy the reasonable costs of
14 the investigation and enforcement of this case, pursuant to Business and Professions Code section
15 125.3;

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

17
18
19 DATED: 7/15/10


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

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