

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

In the Matter of the Accusation Against:

Case No. 3723

NINA RENEE ESCOTO
409 Elsinore Drive
Vacaville, CA 95687

Pharmacy Technician License No. TCH 47598

Respondent.

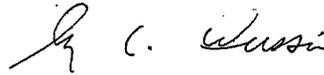
DECISION AND ORDER

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 April 23, 2012.

It is so ORDERED on March 23, 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 DIANN SOKOLOFF
Supervising Deputy Attorney General
3 State Bar No. 161082
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6 *Attorneys for Complainant*

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

11 In the Matter of the Accusation Against:

Case No. 3723

12 **NINA RENEE ESCOTO**
409 Elsinore Drive
Vacaville, CA 95687

**STIPULATED SURRENDER OF
LICENSE AND ORDER**

13 **Pharmacy Technician License No. TCH**
14 **47598**

Respondent.

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

19 PARTIES

20 1. Virginia Herold (Complainant) brings this Accusation solely in her official capacity
21 as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs. She is
22 represented in this matter by Kamala D. Harris, Attorney General of the State of California, by
23 Diann Sokoloff, Supervising Deputy Attorney General.

24 2. Nina Renee Escoto (Respondent) is representing herself in this proceeding and has
25 chosen not to exercise her right to be represented by counsel.

26 3. On or about February 19, 2003, the Board of Pharmacy issued Pharmacy Technician
27 License Number TCH 47598 to Nina Renee Escoto (Respondent). The Pharmacy Technician
28

1 License was in full force and effect at all times relevant to the charges brought in Accusation No.
2 3723, and will expire on September 30, 2012, unless renewed.

3 JURISDICTION

4 4. Accusation No. 3723 was filed before the Board of Pharmacy (Board), Department of
5 Consumer Affairs, and is currently pending against Respondent. The Accusation and all other
6 statutorily required documents were properly served on Respondent on April 12, 2011. A copy of
7 Accusation No. 3723 is attached as exhibit A and incorporated by reference.

8 ADVISEMENT AND WAIVERS

9 5. Respondent has carefully read and understands the charges and allegations in
10 Accusation No. 3723. Respondent also has carefully read and understands the effects of this
11 Stipulated Surrender of License and Order.

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

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

21 CULPABILITY

22 8. Respondent admits the truth of each and every charge and allegation in Accusation
23 No. 3723, agrees that cause exists for discipline and hereby surrenders her Pharmacy Technician
24 License for the Board's formal acceptance.

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

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1 15. Respondent shall lose all rights and privileges as a Pharmacy Technician in California
2 as of the effective date of the Board's Decision and Order.

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

5 17. Respondent understands and agrees that if she ever applies for licensure or petitions
6 for reinstatement in the State of California, the Board shall treat it as a new application for
7 licensure. Respondent must comply with all the laws, regulations and procedures for licensure in
8 effect at the time the application or petition is filed, and all of the charges and allegations
9 contained in Accusation No. 3723 shall be deemed to be true, correct and admitted by Respondent
10 when the Board determines whether to grant or deny the application or petition.

11 18. Respondent shall pay the Board its costs of investigation and enforcement in the
12 amount of \$2,370.00 prior to issuance of a new or reinstated license.

13 19. If Respondent should ever apply or reapply for a new license or certification, or
14 petition for reinstatement of a license, by any other health care licensing agency in the State of
15 California, all of the charges and allegations contained in Accusation No. 3723 shall be deemed to
16 be true, correct, and admitted by Respondent for the purpose of any Statement of Issues or any
17 other proceeding seeking to deny or restrict licensure.

18 20. Respondent may not apply or reapply for, or petition for reinstatement of, any license,
19 permit, or registration from the Board for three (3) years from the effective date of this Decision
20 and Order.

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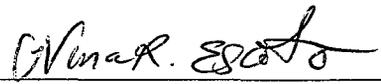
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ACCEPTANCE

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 License. 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: 10/6/2014 
NINA RENEE ESCOTO
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: 10/13/11

Respectfully submitted,
KAMALA D. HARRIS
Attorney General of California
DIANN SOKOLOFF
Supervising Deputy Attorney General


DIANN SOKOLOFF
Supervising Deputy Attorney General
Attorneys for Complainant

SF2010201156

Exhibit A

Accusation No. 3723

1 EDMUND G. BROWN JR.
Attorney General of California
2 ALFREDO TERRAZAS
Senior Assistant Attorney General
3 DIANN SOKOLOFF
Supervising Deputy Attorney General
4 State Bar No. 161082
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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. 3723

12 **NINA RENEE ESCOTO**
13 **7200 Elder Creek Road**
Sacramento, CA 95824

A C C U S A T I O N

14 **Pharmacy Technician License No. TCH**
15 **47598.**

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, Department of Consumer Affairs.
21 2. On or about February 19, 2003, the Board of Pharmacy issued Pharmacy Technician
22 License Number TCH 47598 to Nina Renee Escoto (Respondent). The Pharmacy Technician
23 License was in full force and effect at all times relevant to the charges brought in this Accusation
24 and will expire on September 30, 2012, 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 (commencing with Section 801) of Title 21 of the United States Code regulating controlled
2 substances or of a violation of the statutes of this state regulating controlled substances or
3 dangerous drugs shall be conclusive evidence of unprofessional conduct. In all other cases, the
4 record of conviction shall be conclusive evidence only of the fact that the conviction occurred.
5 The board may inquire into the circumstances surrounding the commission of the crime, in order
6 to fix the degree of discipline or, in the case of a conviction not involving controlled substances
7 or dangerous drugs, to determine if the conviction is of an offense substantially related to the
8 qualifications, functions, and duties of a licensee under this chapter. A plea or verdict of guilty or
9 a conviction following a plea of nolo contendere is deemed to be a conviction within the meaning
10 of this provision. The board may take action when the time for appeal has elapsed, or the
11 judgment of conviction has been affirmed on appeal or when an order granting probation is made
12 suspending the imposition of sentence, irrespective of a subsequent order under Section 1203.4 of
13 the Penal Code allowing the person to withdraw his or her plea of guilty and to enter a plea of not
14 guilty, or setting aside the verdict of guilty, or dismissing the accusation, information, or
15 indictment.”

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

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

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

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1 convicted by plea of nolo contendere of one count of violating Vehicle Code section 23152,
2 subdivision (b) (DUI with BAC over 0.08 percent), a misdemeanor. Imposition of sentence was
3 suspended in favor of a three year summary probation, with terms and conditions including four
4 days in jail, completing a first offender program, and fines and fees.

5 THIRD CAUSE FOR DISCIPLINE

6 (Unprofessional Conduct/Use of Alcohol in a Dangerous Manner)

7 (Bus. & Prof. Code § 4301(h))

8 13. Respondent has subjected her license to disciplinary action under section 4301,
9 subdivision (h) in that she used alcoholic beverages to the extent or in a manner as to be
10 dangerous or injurious to herself and others. The circumstances are as follows:

11 14. On or about October 24, 2009, Respondent was arrested for driving under the
12 influence of alcohol with a BAC of over .08 percent and for violating probation. A Benicia
13 Police Department police officer initiated an enforcement traffic stop on Respondent's vehicle
14 which had failed to come to a complete stop at a stop sign. The police officer smelled the odor of
15 an alcoholic beverage on Respondent's breath. Respondent admitted to consuming a few
16 alcoholic beverages earlier that evening. Respondent failed to perform the FSTs as demonstrated.
17 The officer administered a Preliminary Alcohol Screening test but Respondent failed to complete
18 the test as instructed. Based on the results of the FSTs and the objective signs and symptoms of
19 intoxication, the officer arrested Respondent for violating Vehicle Code section 23152,
20 subdivision (a) (DUI of a Drug or Alcohol) and section 23152, subdivision (b) (DUI with BAC
21 over 0.08 percent). Respondent was then transferred to County Jail for booking, at which time
22 she submitted to a blood test, the results of which later revealed that her BAC was .19 percent.

23 FOURTH CAUSE FOR DISCIPLINE

24 (Conviction)

25 (Bus. & Prof. Code §§ 490, 4301(1); CCR, tit. 16, §1770)

26 15. Respondent has subjected her license to disciplinary action under sections 490 and
27 4301, subdivision (1), by reference to California Code of Regulations, title 16, section 1770, for
28 the conviction of a substantially related crime, in that on or about December 4, 2009, in *People v.*
Nina Renee Escoto, Case No. VCR205295 in Solano County Superior Court, Respondent was
convicted by plea of nolo contendere of one count of violating Vehicle Code section 23152,

1 subdivision (a) (DUI of Alcohol or Drugs), a misdemeanor. Imposition of sentence was
2 suspended in favor of a three year summary probation, with terms and conditions including 20
3 days in jail, and fines and fees.

4 FIFTH CAUSE FOR DISCIPLINE
5 (Conviction of Misdemeanors Involving Alcohol)
6 (Bus. & Prof. Code § 4301(k))

7 16. Complainant realleges the allegations contained in paragraphs 12 and 15 above, and
8 incorporates them by reference as if fully set forth.

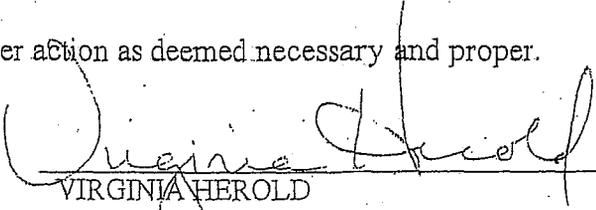
9 17. Respondent has subjected her license to disciplinary action under section 4301,
10 subdivision (k) in that she was convicted of two misdemeanors involving the consumption of
11 alcoholic beverages.

12 PRAYER

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

- 15 1. Revoking or suspending Pharmacy Technician License Number TCH 47598, issued
16 to Nina Renee Escoto;
- 17 2. Ordering Nina Renee Escoto to pay the Board of Pharmacy the reasonable costs of
18 the investigation and enforcement of this case, pursuant to Business and Professions Code section
19 125.3;
- 20 3. Taking such other and further action as deemed necessary and proper.

21 DATED: 12/02/10


22 VIRGINIA HEROLD
23 Executive Officer
24 Board of Pharmacy
25 Department of Consumer Affairs
26 State of California
27 Complainant

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