



California State Board of Pharmacy
1625 N. Market Blvd, N219, Sacramento, CA 95834
Phone: (916) 574-7900
Fax: (916) 574-8618
www.pharmacy.ca.gov

STATE AND CONSUMER SERVICES AGENCY
DEPARTMENT OF CONSUMER AFFAIRS
GOVERNOR EDMUND G. BROWN JR.

APPLICATION FOR VOLUNTARY SURRENDER OF PHARMACY TECHNICIAN LICENSE

PLEASE PRINT IN BLACK OR BLUE INK OR TYPE YOUR RESPONSES

Name: <u>Trena Michelle Ochoa</u>	Case No. <u>SI 3519</u>
Address of Record: <u>1929 Shushan Dr.</u> <u>Ceres, CA 95307</u>	

Pursuant to the terms and conditions of my probation with the California State Board of Pharmacy (Board) In Case No. SI 3519, I hereby request to surrender my pharmacy technician license; License No. TCH124153. The Board or its designee shall have the discretion whether to grant the request for surrender or take any other action it deems appropriate and reasonable. Upon formal acceptance of the surrender of the license, I will no longer be subject to the terms and conditions of probation. I understand that this surrender constitutes a record of discipline and shall become a part of my license history with the Board.

Upon the acceptance of the surrender, I shall relinquish my pharmacy technician license to the Board within ten (10) days of notification by the Board that the surrender is accepted. I understand that I may not reapply for any license, permit, or registration from the board for three (3) years from the effective date of the surrender. I further understand that I shall meet all requirements applicable to the license sought as of the date the application for that license is submitted to the Board.

PLEASE BE ADVISED THAT YOU ARE NOT RELIEVED OF THE REQUIREMENTS OF YOUR PROBATION UNLESS THE BOARD NOTIFIES YOU THAT YOUR REQUEST TO SURRENDER YOUR LICENSE HAS BEEN ACCEPTED.

Trena M. Ochoa
Applicant's Signature

4-2-2013
Date

Virginia Heald
Executive Officer's Approval

4/8/13
Date

All items on this application are mandatory in accordance with your probationary order and the Board's Disciplinary Guidelines as authorized by Title 16, California Code of Regulations section 1760. Failure to provide any of the requested information or providing unreadable information will result in the application being rejected as incomplete. The information provided on this form will be used to determine eligibility for surrender. The official responsible for information maintenance is the Executive Officer, telephone (916) 574-7900, 1625 N. Market Blvd., Suite N-219, Sacramento, CA 95834. The information you provide may also be disclosed in the following circumstances: (1) in response to a Public Records Act request; (2) to another government agency as required by state or federal law; or, (3) in response to a court or administrative order, a subpoena, or a search warrant. Each individual has the right to review the files or records maintained on them by our agency, unless the records are identified as confidential information and exempted by Section 1798.40 of the Civil Code.

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

In the Matter of the Statement of Issues Against:

Case No. 3519

TRENA MICHELLE OCHOA
a.k.a. TRENA MICHELLE COLE
a.k.a. TRENA MICHELLE MEAS
2717 Roeding Rd. #104
Ceres, CA 95307

Pharmacy Technician Applicant

Respondent.

DECISION AND ORDER

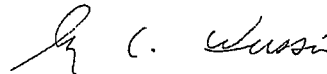
The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Board of Pharmacy, Department of Consumer Affairs, as its Decision in this matter.

This decision shall become effective on August 19, 2011.

It is so ORDERED July 20, 2011.

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 GEOFFREY S. ALLEN
Deputy Attorney General
4 State Bar No. 193338
1300 I Street, Suite 125
5 P.O. Box 944255
Sacramento, CA 94244-2550
6 Telephone: (916) 324-5341
Facsimile: (916) 327-8643
7 E-mail: Geoffrey.Allen@doj.ca.gov
Attorneys for Complainant

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

11 In the Matter of the Statement of Issues
12 Against:

Case No. 3519

13 **TRENA MICHELLE OCHOA**
14 **a.k.a. TRENA MICHELLE COLE**
a.k.a. TRENA MICHELLE MEAS

OAH No. 2011021025

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

15 Respondent.

16
17 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-
18 entitled proceedings that the following matters are true:

19 **PARTIES**

20 1. Virginia Herold (Complainant) is the Executive Officer of the Board of Pharmacy.
21 She brought this action solely in her official capacity and is represented in this matter by Kamala
22 D. Harris, Attorney General of the State of California, by Geoffrey S. Allen, Deputy Attorney
23 General.

24 2. Respondent Trena Michelle Ochoa a.k.a. Trena Michelle Cole a.k.a. Trena Michelle
25 Meas (Respondent) is representing herself in this proceeding and has chosen not to exercise her
26 right to be represented by counsel.

3. On or about April 23, 2008, Respondent filed an application dated April 13, 2008, with the Board of Pharmacy to obtain Registration as a Pharmacy Technician (Application).

JURISDICTION

4. Statement of Issues No. 3519 (Statement of Issues) was filed before the Board of Pharmacy (Board), Department of Consumer Affairs, and is currently pending against Respondent. The Statement of Issues and all other statutorily required documents were properly served on Respondent on November 8, 2010. Respondent timely filed her Notice of Defense contesting the Statement of Issues. A copy of the Statement of Issues is attached as exhibit A and incorporated herein by reference.

ADVISEMENT AND WAIVERS

5. Respondent has carefully read, and understands the charges and allegations in the Statement of Issues. Respondent has also carefully read, and understands the effects of this Stipulated Settlement and Disciplinary Order.

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

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

CULPABILITY

8. Respondent admits the truth of each and every charge and allegation in the Statement of Issues.

9. Respondent agrees that her Application is subject to denial and she agrees to be bound by the Board's probationary terms as set forth in the Disciplinary Order below.

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CONTINGENCY

10. This stipulation shall be subject to approval by the Board. Respondent understands and agrees that counsel for Complainant and the staff of the Board may communicate directly with the Board regarding this stipulation and settlement, 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 Settlement 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 Settlement and Disciplinary Order, including facsimile signatures thereto, shall have the same force and effect as the originals.

12. This Stipulated Settlement and Disciplinary 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 Settlement and Disciplinary 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 Disciplinary Order:

DISCIPLINARY ORDER

IT IS HEREBY ORDERED that upon satisfaction of all statutory and regulatory requirements for issuance of a Pharmacy Technician License, a Pharmacy technician License shall be issued to Respondent and immediately revoked; the order of revocation is stayed and the Respondent placed on five (5) years probation upon the following terms and conditions:

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1 **1. Certification Prior to Resuming Work**

2 Respondent shall be automatically suspended from working as a pharmacy technician until
3 she is certified as defined by Business and Professions Code section 4202, subd. (a)(4), and
4 provides satisfactory proof of certification to the Board. Respondent shall not resume working as
5 a pharmacy technician until notified by the Board. Failure to achieve certification within one (1)
6 year shall be considered a violation of probation. Respondent shall not resume working as a
7 pharmacy technician until notified by the Board.

8 During suspension, Respondent shall not enter any pharmacy area or any portion of any
9 other Board licensed premises (wholesaler, veterinary food-animal drug retailer or any other
10 distributor of drugs) any drug manufacturer, or any other location where dangerous drugs and
11 devices or controlled substances are maintained. Respondent shall not do any act involving drug
12 selection, selection of stock, manufacturing, compounding or dispensing; nor shall Respondent
13 manage, administer, or assist any licensee of the board. Respondent shall not have access to or
14 control the ordering, manufacturing or dispensing of dangerous drugs and devices or controlled
15 substances. Respondent shall not resume work until notified by the Board.

16 Subject to the above restrictions, Respondent may continue to own or hold an interest in
17 any licensed premises by the Board in which she holds an interest at the time this decision
18 becomes effective unless otherwise specified in this order.

19 Failure to comply with this suspension shall be considered a violation of probation.

20 **2. Obey All Laws**

21 Respondent shall obey all state and federal laws and regulations.

22 Respondent shall report any of the following occurrences to the Board, in writing, within
23 seventy-two (72) hours of such occurrence:

- 24 ☐ an arrest or issuance of a criminal complaint for violation of any provision of the
25 Pharmacy Law, state and federal food and drug laws, or state and federal controlled
26 substances laws
27 ☐ a plea of guilty or nolo contendere in any state or federal criminal proceeding to any
28 criminal complaint, information or indictment

- ☐ a conviction of any crime
- ☐ discipline, citation, or other administrative action filed by any state or federal agency which involves Respondent's Pharmacy Technician License or which is related to the practice of pharmacy or the manufacturing, obtaining, handling, distributing, billing, or charging for any drug, device or controlled substance.

Failure to timely report any such occurrence shall be considered a violation of probation.

3. Report to the Board

Respondent shall report to the Board quarterly, on a schedule as directed by the Board or its designee. The report shall be made either in person or in writing, as directed. Among other requirements, Respondent shall state in each report under penalty of perjury whether there has been compliance with all the terms and conditions of probation. Failure to submit timely reports in a form as directed shall be considered a violation of probation. Any period(s) of delinquency in submission of reports as directed may be added to the total period of probation. Moreover, if the final probation report is not made as directed, probation shall be automatically extended until such time as the final report is made and accepted by the Board.

4. Interview with the Board

Upon receipt of reasonable prior notice, Respondent shall appear in person for interviews with the board or its designee, at such intervals and locations as are determined by the Board or its designee. Failure to appear for any scheduled interview without prior notification to Board staff, or failure to appear at two (2) or more scheduled interviews with the Board or its designee during the period of probation, shall be considered a violation of probation.

5. Cooperate with Board Staff

Respondent shall cooperate with the Board's inspection program and with the Board's monitoring and investigation of Respondent's compliance with the terms and conditions of her probation. Failure to cooperate shall be considered a violation of probation.

6. Notice to Employers

During the period of probation, Respondent shall notify all present and prospective employers of the decision in Board case number 3519 and the terms, conditions and restrictions

1 imposed on Respondent by the decision, as follows:

2 Within thirty (30) days of the effective date of this decision, and within fifteen (15) days of
3 Respondent undertaking any new employment, Respondent shall cause her direct supervisor,
4 pharmacist-in-charge (including each new pharmacist-in-charge employed during respondent's
5 tenure of employment) and owner to report to the Board in writing acknowledging that the listed
6 individual(s) has/have read the decision in Board case number 3519 and the terms and conditions
7 imposed thereby. It shall be Respondent's responsibility to ensure that her employer(s) and/or
8 supervisor(s) submit timely acknowledgement(s) to the Board.

9 If Respondent works for or is employed by or through a pharmacy employment service,
10 Respondent must notify her direct supervisor, pharmacist-in-charge and owner at every pharmacy
11 of the terms and conditions of the decision in Board case number 3519 in advance of the
12 Respondent commencing work at each pharmacy. A record of this notification must be provided
13 to the Board upon request.

14 Furthermore, within thirty (30) days of the effective date of this decision, and within fifteen
15 (15) days of Respondent undertaking any new employment by or through a pharmacy
16 employment service, Respondent shall cause her direct supervisor with the pharmacy
17 employment service to report to the Board in writing acknowledging that she has read the
18 decision in Board case number 3519 and the terms and conditions imposed thereby. It shall be
19 Respondent's responsibility to ensure that her employer(s) and/or supervisor(s) submit timely
20 acknowledgment(s) to the Board.

21 Failure to timely notify present or prospective employer(s) or to cause that/those
22 employer(s) to submit timely acknowledgements to the Board shall be considered a violation of
23 probation.

24 "Employment" within the meaning of this provision shall include any full-time,
25 part-time, temporary or relief service or pharmacy management service as a pharmacy
26 technician or in any position for which a pharmacy technician license is a requirement
27 or criterion for employment, whether the respondent is considered an employee,
28 independent contractor or volunteer.

1 **7. Probation Monitoring Costs**

2 Respondent shall pay any costs associated with probation monitoring as determined by the
3 Board each and every year of probation. Such costs shall be payable to the Board on a schedule
4 as directed by the Board or its designee. Failure to pay such costs by the deadline(s) as directed
5 shall be considered a violation of probation.

6 **8. Status of License**

7 Respondent shall, at all times while on probation, maintain an active, current pharmacy
8 technician license with the Board, including any period during which suspension or probation is
9 tolled. Failure to maintain an active, current license shall be considered a violation of probation.

10 If Respondent's Pharmacy Technician License expires or is cancelled by operation of law
11 or otherwise at any time during the period of probation, including any extensions thereof due to
12 tolling or otherwise, upon renewal or reapplication Respondent's Pharmacy Technician License
13 shall be subject to all terms and conditions of this probation not previously satisfied.

14 **9. License Surrender While on Probation/Suspension**

15 Following the effective date of this decision, should Respondent cease work due to
16 retirement or health, or be otherwise unable to satisfy the terms and conditions of probation,
17 Respondent may tender her Pharmacy Technician License to the Board for surrender. The Board
18 or its designee shall have the discretion whether to grant the request for surrender or take any
19 other action it deems appropriate and reasonable. Upon formal acceptance of the surrender of the
20 Pharmacy Technician License, Respondent will no longer be subject to the terms and conditions
21 of probation. This surrender constitutes a record of discipline and shall become a part of the
22 Respondent's license history with the Board.

23 Upon acceptance of the surrender, Respondent shall relinquish her Pharmacy Technician
24 License to the Board within ten (10) days of notification by the Board that the surrender is
25 accepted. Respondent may not reapply for any license, permit, or registration from the Board for
26 three (3) years from the effective date of the surrender. Respondent shall meet all requirements
27 applicable to the license sought as of the date the application for that license is submitted to the
28 Board.

1 10. Notification of a Change in Name, Residence Address, Mailing Address or
2 Employment

3 Respondent shall notify the Board in writing within ten (10) days of any change of
4 employment. Said notification shall include the reasons for leaving, the address of the new
5 employer, the name of the supervisor and owner, and the work schedule if known. Respondent
6 shall further notify the Board in writing within ten (10) days of a change in name, residence
7 address and mailing address, or phone number.

8 Failure to timely notify the Board of any change in employer(s), name(s), address(es), or
9 phone number(s) shall be considered a violation of probation.

10 11. Tolling of Probation

11 Except during periods of suspension, Respondent shall, at all times while on probation, be
12 employed as a pharmacy technician in California for a minimum of twenty (20) hours per
13 calendar month. Any month during which this minimum is not met shall toll the period of
14 probation, i.e., the period of probation shall be extended by one month for each month during
15 which this minimum is not met. During any such period of tolling of probation, Respondent must
16 nonetheless comply with all terms and conditions of probation.

17 Should Respondent, regardless of residency, for any reason (including vacation) cease
18 working as a pharmacy technician for a minimum of twenty (20) hours per calendar month in
19 California, Respondent must notify the Board in writing within ten (10) days of cessation of work
20 and must further notify the Board in writing within ten (10) days of the resumption of the work.
21 Any failure to provide such notification(s) shall be considered a violation of probation.

22 It is a violation of probation for Respondent's probation to remain tolled pursuant to the
23 provisions of this condition for a total period, counting consecutive and non-consecutive months,
24 exceeding thirty-six (36) months.

25 "Cessation of work" means calendar month during which respondent is not
26 working for at least twenty (20) hours as a pharmacy technician, as defined in

27 Business and Professions Code section 4115. "Resumption of work" means any
28 calendar month during which respondent is working as a pharmacy technician for at

1 least twenty (20) hours as a pharmacy technician as defined by Business and
2 Professions Code section 4115.

3 **12. Violation of Probation**

4 If a Respondent has not complied with any term or condition of probation, the Board shall
5 have continuing jurisdiction over Respondent, and probation shall automatically be extended,
6 until all terms and conditions have been satisfied or the Board has taken other action as deemed
7 appropriate to treat the failure to comply as a violation of probation, to terminate probation, and
8 to impose the penalty that was stayed.

9 If Respondent violates probation in any respect, the Board, after giving respondent notice
10 and an opportunity to be heard, may revoke probation and carry out the disciplinary order that
11 was stayed. Notice and opportunity to be heard are not required for those provisions stating that a
12 violation thereof may lead to automatic termination of the stay and/or revocation of the Pharmacy
13 Technician License. If a petition to revoke probation or an accusation is filed against Respondent
14 during probation, the Board shall have continuing jurisdiction, and the period of probation shall
15 be automatically extended until the petition to revoke probation or accusation is heard and
16 decided.

17 **13. Completion of Probation**

18 Upon written notice by the Board indicating successful completion of probation,
19 Respondent's Pharmacy Technician License will be fully restored.

20 **14. No Ownership of Licensed Premises**

21 Respondent shall not own, have any legal or beneficial interest in, or serve as a manager,
22 administrator, member, officer, director, trustee, associate, or partner of any business, firm,
23 partnership, or corporation currently or hereinafter licensed by the board. Respondent shall sell
24 or transfer any legal or beneficial interest in any entity licensed by the Board within ninety (90)
25 days following the effective date of this decision and shall immediately thereafter provide written
26 proof thereof to the board. Failure to timely divest any legal or beneficial interest(s) or provide
27 documentation thereof shall be considered a violation of probation.

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1 15. Community Services Program

2 Within sixty (60) days of the effective date of this decision, Respondent shall submit to the
3 Board or its designee, for prior approval, a community service program in which Respondent
4 shall provide free health-care related services on a regular basis to a community or charitable
5 facility or agency for at least fifty (50) hours per year for the first two (2) years of probation.

6 Within thirty (30) days of Board approval thereof, Respondent shall submit documentation to the
7 board demonstrating commencement of the community service program. A record of this
8 notification must be provided to the Board upon request. Respondent shall report on progress
9 with the community service program in the quarterly reports. Failure to timely submit,
10 commence, or comply with the program shall be considered a violation of probation.

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DATED: 5/12/2011 Trena M. Ochoa
TRENA MICHELLE OCHOA
Respondent

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May 17
Dated: ~~April~~ ___, 2011

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

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Exhibit A

Statement of Issues No. 3519

1 EDMUND G. BROWN JR.
Attorney General of California
2 ARTHUR D. TAGGART
Supervising Deputy Attorney General
3 GEOFFREY S. ALLEN
Deputy Attorney General
4 State Bar No. 193338
1300 I Street, Suite 125
5 P.O. Box 944255
Sacramento, CA 94244-2550
6 Telephone: (916) 324-5341
Facsimile: (916) 327-8643
7 E-mail: Geoffrey.Allen@doj.ca.gov
Attorneys for Complainant

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

11 In the Matter of the Statement of Issues
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13 **TRENA MICHELLE OCHOA**
14 **a.k.a. TRENA MICHELLE COLE**
a.k.a. TRENA MICHELLE MEAS
15 **P.O. Box 3216**
16 **Ceres, California 95307**

STATEMENT OF ISSUES

17 Respondent.

18 Complainant alleges:

19 **PARTIES**

- 20 1. Virginia Herold (Complainant) brings this Statement of Issues solely in her official
21 capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs.
22 2. On or about April 23, 2008, the Board of Pharmacy, Department of Consumer Affairs
23 received an Application for Registration as a Pharmacy Technician (Application) from Trena
24 Michelle Ochoa a.k.a. Trena Michelle Cole a.k.a. Trena Michelle Meas (Respondent). On or
25 about April 13, 2008, Respondent certified under penalty of perjury to the truthfulness of all
26 statements, answers, and representations in the application. The Board denied the Application on
27 August 26, 2009.
28

JURISDICTION

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

4. Code section 4300, in pertinent part, states:

(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.

(c) The board may refuse a license to any applicant guilty of unprofessional conduct. The board may, in its sole discretion, issue a probationary license to any applicant for a license who is guilty of unprofessional conduct and who has met all other requirements for licensure. The board may issue the license subject to any terms or conditions not contrary to public policy, including, but not limited to, the following:

(1) Medical or psychiatric evaluation.

(2) Continuing medical or psychiatric treatment.

(3) Restriction of type or circumstances of practice.

(4) Continuing participation in a board-approved rehabilitation program.

(5) Abstention from the use of alcohol or drugs.

(6) Random fluid testing for alcohol or drugs.

(7) Compliance with laws and regulations governing the practice of pharmacy.

(d) The board may initiate disciplinary proceedings to revoke or suspend any probationary certificate of licensure for any violation of the terms and conditions of probation. Upon satisfactory completion of probation, the board shall convert the probationary certificate to a regular certificate, free of conditions.

(e) The proceedings under this article shall be conducted in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of the Government Code, and the board shall have all the powers granted therein. The action shall be final, except that the propriety of the action is subject to review by the superior court pursuant to Section 1094.5 of the Code of Civil Procedure.

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1 5. Code section 4301, in pertinent part, states:

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

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

10
11 (j) The violation of any of the statutes of this state, or any other state, or of the
12 United States regulating controlled substances and dangerous drugs.

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

29
30 6. Code section 480, in pertinent part, states:

31 (a) A board may deny a license regulated by this code on the grounds that the
32 applicant has one of the following:

33 (1) Been convicted of a crime. A conviction within the meaning of this section
34 means a plea or verdict of guilty or a conviction following a plea of nolo contendere.

Any action which a board is permitted to take following the establishment of a conviction may be taken 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 subsequent order under the provisions of Section 1203.4 of the Penal Code.

(2) Done any act involving dishonesty, fraud or deceit with the intent to substantially benefit himself or another, or substantially injure another; or

(3)(A) Done any act which if done by a licentiate of the business or profession in question, would be grounds for suspension or revocation of license.

(B) The board may deny a license pursuant to this subdivision only if the crime or act is substantially related to the qualifications, functions or duties of the business or profession for which application is made.

(c) A board may deny a license regulated by this code on the ground that the applicant knowingly made a false statement of fact required to be revealed in the application for such license.

7. 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.

8. Section 125.3 of the Code states, in pertinent part, that the Board may request the administrative law judge to direct a licentiate 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.

FIRST CAUSE FOR DENIAL OF APPLICATION

(Criminal Conviction)

9. Respondent's application is subject to denial under Code sections 480, subs. (a)(1) and (a)(3); 4300, subd. (c); and 4301, subs. (l) in that on or about January 26, 2004, in a criminal proceeding entitled *People v. Trena Michelle Meal* in Stanislaus County Superior Court, Case Number 1066016, Respondent was convicted by plea of guilty of violating Penal Code section 459 (Burglary), a felony; Penal Code section 470, subd. (d) (Forgery of Order for Payment), a felony; and Health and Safety Code section 11364 (possession of a controlled substance pipe), a

1 misdemeanor. The circumstances are that on or about October 18, 2003, Respondent presented
2 two checks payable to Respondent to be cashed at Money Mart in Ceres, California. Per Money
3 Mart policy, the clerk contacted the payee to verify the authenticity of the checks; both checks
4 were drawn upon the same account. The payee indicated that the checks were stolen and forged,
5 and contacted the Ceres Police Department. Officer Carrico of the Ceres Police Department
6 arrested Respondent at Money Mart. Officer Carrico searched Respondent incident to her arrest
7 and found upon her person controlled substance paraphernalia, namely two glass crank pipes.

8 SECOND CAUSE FOR DENIAL OF APPLICATION

9 (Violation of Controlled Substance Laws)

10 10. Respondent's application is subject to denial under Code sections 480, subds. (a)(1)
11 and (a)(3); 4300, subd. (c); and 4301, subd. (j) in that on or about October 18, 2003, Respondent
12 was found in possession of controlled substance paraphernalia, namely two glass crank pipes.
13 The circumstances are detailed above in paragraph 9.

14 THIRD CAUSE FOR DENIAL OF APPLICATION

15 (Act involving Dishonesty, Fraud or Deceit)

16 11. Respondent's application is subject to denial under Code sections 480, subds. (a)(1),
17 (a)(2) and (a)(3); 4300, subd. (c); and 4301, subd. (h) in that on or about October 18, 2003,
18 Respondent attempted to cash two stolen and forged checks that were payable to herself.
19 Respondent knew or should have known the checks to be stolen and/or forged. The
20 circumstances are detailed above in paragraph 9.

21 PRAYER

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

24 1. Denying the Application of Trena Michelle Ochoa a.k.a. Trena Michelle Cole a.k.a.
25 Trena Michelle Meas for Registration as a Pharmacy Technician; and,

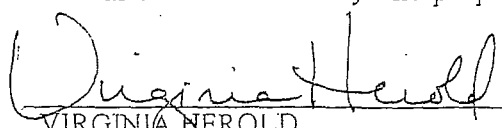
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1 2. Taking such other and further action as deemed necessary and proper.

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3 DATED: 2/8/10



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

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