

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

In the Matter of the Accusation Against:

Case No. 3778

SALMA CHRISTINE URIBE

OAH No. 2011050369

Aka SELMA SOTO

1109 ½ Columbia Street

Madera, CA 93638

Pharmacy Technician Registration Number

TCH 56000

Respondent.

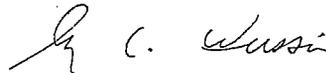
DECISION AND ORDER

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 April 12, 2012.

It is so ORDERED on March 13, 2012.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA



By

STANLEY C. WEISSER
Board President

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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:

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12 **SALMA CHRISTINE URIBE**
13 **aka SELMA SOTO**
14 1109 1/2 Columbia Street
Madera, Ca 93638

OAH No. 2011050369

15 **STIPULATED SETTLEMENT AND**
16 **DISCIPLINARY ORDER**

15 Pharmacy Technician Registration Number
16 TCH 56000

17 Respondent.

18
19 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-
20 entitled proceedings 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 Kamala
24 D. Harris, Attorney General of the State of California, by Anahita S. Crawford, Deputy Attorney
25 General.

26 2. Respondent Salma Christine Uribe, aka Selma Soto (Respondent) is representing
27 herself in this proceeding and has chosen not to exercise her right to be represented by counsel.
28

1 CULPABILITY

2 8. Respondent admits the truth of each and every charge and allegation in Accusation
3 No. 3778.

4 9. Respondent agrees that her Pharmacy Technician Registration is subject to discipline
5 and she agrees to be bound by the Board of Pharmacy (Board)'s probationary terms as set forth in
6 the Disciplinary Order below.

7 CIRCUMSTANCES IN MITIGATION

8 10. Respondent Salma Christine Uribe, aka Selma Soto has never been the subject of any
9 disciplinary action. She is admitting responsibility at an early stage in the proceedings.

10 CONTINGENCY

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

20 12. The parties understand and agree that facsimile copies of this Stipulated Settlement
21 and Disciplinary Order, including facsimile signatures thereto, shall have the same force and
22 effect as the originals.

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

1 **2. Obey All Laws**

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

3 Respondent shall report any of the following occurrences to the board, in writing, within
4 seventy-two (72) hours of such occurrence:

- 5 ▪ an arrest or issuance of a criminal complaint for violation of any provision of the
6 Pharmacy Law, state and federal food and drug laws, or state and federal controlled
7 substances laws
- 8 ▪ a plea of guilty or nolo contendere in any state or federal criminal proceeding to any
9 criminal complaint, information or indictment
- 10 ▪ a conviction of any crime
- 11 ▪ discipline, citation, or other administrative action filed by any state or federal agency
12 which involves Respondent's pharmacy technician registration or which is related to
13 the practice of pharmacy or the manufacturing, obtaining, handling, distributing,
14 billing, or charging for any drug, device or controlled substance.

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

16 **3. Report to the Board**

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

25 **4. Interview with the Board**

26 Upon receipt of reasonable prior notice, Respondent shall appear in person for interviews
27 with the board or its designee, at such intervals and locations as are determined by the board or its
28 designee. Failure to appear for any scheduled interview without prior notification to board staff,

1 or failure to appear at two (2) or more scheduled interviews with the board or its designee during
2 the period of probation, shall be considered a violation of probation.

3 **5. Cooperate with Board Staff**

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

7 **6. Notice to Employers**

8 During the period of probation, Respondent shall notify all present and prospective
9 employers of the decision in case number 3778 and the terms, conditions and restrictions imposed
10 on Respondent by the decision, as follows:

11 Within thirty (30) days of the effective date of this decision, and within fifteen (15) days of
12 Respondent undertaking any new employment, Respondent shall cause her direct supervisor,
13 pharmacist-in-charge (including each new pharmacist-in-charge employed during Respondent's
14 tenure of employment) and owner to report to the board in writing acknowledging that the listed
15 individual(s) has/have read the decision in case number 3778 and the terms and conditions
16 imposed thereby. It shall be Respondent's responsibility to ensure that her employer(s) and/or
17 supervisor(s) submit timely acknowledgement(s) to the board.

18 If Respondent works for or is employed by or through a pharmacy employment service,
19 Respondent must notify her direct supervisor, pharmacist-in-charge and owner at every pharmacy
20 of the terms and conditions of the decision in case number 3778 in advance of the Respondent
21 commencing work at each pharmacy. A record of this notification must be provided to the board
22 upon request.

23 Furthermore, within thirty (30) days of the effective date of this decision, and within fifteen
24 (15) days of Respondent undertaking any new employment by or through a pharmacy
25 employment service, Respondent shall cause her direct supervisor with the pharmacy
26 employment service to report to the board in writing acknowledging that she has read the decision
27 in case number 3778 and the terms and conditions imposed thereby. It shall be Respondent's

28 //

1 responsibility to ensure that her employer(s) and/or supervisor(s) submit timely
2 acknowledgment(s) to the board.

3 Failure to timely notify present or prospective employer(s) or to cause that/those
4 employer(s) to submit timely acknowledgements to the board shall be considered a violation of
5 probation.

6 "Employment" within the meaning of this provision shall include any full-time,
7 part-time, temporary or relief service or pharmacy management service as a pharmacy
8 technician or in any position for which a pharmacy technician license is a requirement
9 or criterion for employment, whether the Respondent is considered an employee,
10 independent contractor or volunteer.

11 **7. Reimbursement of Board Costs**

12 As a condition precedent to successful completion of probation, Respondent shall pay to the
13 board its costs of investigation and prosecution in the amount of \$2,000 (two thousand dollars).
14 Respondent shall make payments in a payment plan approved by the Board. There shall be no
15 deviation from this schedule absent prior written approval by the board or its designee. Failure to
16 pay costs by the deadline(s) as directed shall be considered a violation of probation.

17 The filing of bankruptcy by Respondent shall not relieve Respondent of her responsibility
18 to reimburse the board its costs of investigation and prosecution.

19 **8. Probation Monitoring Costs**

20 Respondent shall pay any costs associated with probation monitoring as determined by the
21 board each and every year of probation. Such costs shall be payable to the board on a schedule as
22 directed by the board or its designee. Failure to pay such costs by the deadline(s) as directed shall
23 be considered a violation of probation.

24 **9. Status of License**

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

28 //

1 If Respondent's pharmacy technician license expires or is cancelled by operation of law or
2 otherwise at any time during the period of probation, including any extensions thereof due to
3 tolling or otherwise, upon renewal or reapplication Respondent's license shall be subject to all
4 terms and conditions of this probation not previously satisfied.

5 **10. License Surrender While on Probation/Suspension**

6 Following the effective date of this decision, should Respondent cease work due to
7 retirement or health, or be otherwise unable to satisfy the terms and conditions of probation,
8 Respondent may tender her pharmacy technician license to the board for surrender. The board or
9 its designee shall have the discretion whether to grant the request for surrender or take any other
10 action it deems appropriate and reasonable. Upon formal acceptance of the surrender of the
11 license, Respondent will no longer be subject to the terms and conditions of probation. This
12 surrender constitutes a record of discipline and shall become a part of the Respondent's license
13 history with the board.

14 Upon acceptance of the surrender, Respondent shall relinquish her pharmacy technician
15 license to the board within ten (10) days of notification by the board that the surrender is
16 accepted. Respondent may not reapply for any license, permit, or registration from the board for
17 three (3) years from the effective date of the surrender. Respondent shall meet all requirements
18 applicable to the license sought as of the date the application for that license is submitted to the
19 board.

20 **11. Notification of a Change in Name, Residence Address, Mailing Address or**
21 **Employment**

22 Respondent shall notify the board in writing within ten (10) days of any change of
23 employment. Said notification shall include the reasons for leaving, the address of the new
24 employer, the name of the supervisor and owner, and the work schedule if known. Respondent
25 shall further notify the board in writing within ten (10) days of a change in name, residence
26 address and mailing address, or phone number.

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

1 **12. Tolling of Probation**

2 Except during periods of suspension, Respondent shall, at all times while on probation, be
3 employed as a pharmacy technician in California for a minimum of 20 hours per calendar month.
4 Any month during which this minimum is not met shall toll the period of probation, i.e., the
5 period of probation shall be extended by one month for each month during which this minimum is
6 not met. During any such period of tolling of probation, Respondent must nonetheless comply
7 with all terms and conditions of probation.

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

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

16 "Cessation of work" means calendar month during which Respondent is not
17 working for at least 20 hours as a pharmacy technician, as defined in Business and
18 Professions Code section 4115. "Resumption of work" means any calendar month
19 during which Respondent is working as a pharmacy technician for at least 20 hours as
20 a pharmacy technician as defined by Business and Professions Code section 4115.

21 **13. Violation of Probation**

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

27 If Respondent violates probation in any respect, the board, after giving Respondent notice
28 and an opportunity to be heard, may revoke probation and carry out the disciplinary order that

1 was stayed. Notice and opportunity to be heard are not required for those provisions stating that a
2 violation thereof may lead to automatic termination of the stay and/or revocation of the license. If
3 a petition to revoke probation or an accusation is filed against Respondent during probation, the
4 board shall have continuing jurisdiction; and the period of probation shall be automatically
5 extended until the petition to revoke probation or accusation is heard and decided.

6 **14. Completion of Probation**

7 Upon written notice by the board indicating successful completion of probation, Respondent's pharmacy technician license will be fully restored.

8
9 **15. Attend Substance Abuse Recovery Relapse Prevention and Support Groups:**

10 Upon one confirmed positive drug/alcohol screening, Respondent shall begin regular
11 attendance at a recognized and established substance abuse recovery support group in California,
12 (e.g., Alcoholics Anonymous, Narcotics Anonymous, etc.) which has been approved by the board
13 or its designee. Respondent must attend at least one group meeting per week unless otherwise
14 directed by the board or its designee. Respondent shall continue regular attendance and submit
15 signed and dated documentation confirming attendance with each quarterly report for the duration
16 of probation. Failure to attend or submit documentation thereof shall be considered a violation of
17 probation.

18 **16. Random Drug Screening**

19 Respondent, at her own expense, shall participate in random testing, including but not
20 limited to biological fluid testing (urine, blood), breathalyzer, hair follicle testing, or other drug
21 screening program as directed by the board or its designee. Respondent may be required to
22 participate in testing for the entire probation period and the frequency of testing will be
23 determined by the board or its designee. At all times Respondent shall fully cooperate with the
24 board or its designee, and shall, when directed, submit to such tests and samples for the detection
25 of alcohol, narcotics, hypnotics, dangerous drugs or other controlled substances as the board or its
26 designee may direct. Failure to timely submit to testing as directed shall be considered a violation
27 of probation. Upon request of the board or its designee, Respondent shall provide documentation
28 from a licensed practitioner that the prescription for a detected drug was legitimately issued and is

1 a necessary part of the treatment of the Respondent. Failure to timely provide such
2 documentation shall be considered a violation of probation. Any confirmed positive test for
3 alcohol or for any drug not lawfully prescribed by a licensed practitioner as part of a documented
4 medical treatment shall be considered a violation of probation and shall result in the automatic
5 suspension of work by Respondent. Respondent may not resume work as a pharmacy technician
6 until notified by the board in writing.

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

15 Respondent shall not direct, control or perform any aspect of the practice of pharmacy.
16 Subject to the above restrictions, Respondent may continue to own or hold an interest in any
17 licensed premises in which she holds an interest at the time this decision becomes effective unless
18 otherwise specified in this order.

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

20 **17. Abstain from Drugs and Alcohol Use**

21 Respondent shall completely abstain from the possession or use of alcohol, controlled
22 substances, dangerous drugs and their associated paraphernalia except when the drugs are
23 lawfully prescribed by a licensed practitioner as part of a documented medical treatment. Upon
24 request of the board or its designee, Respondent shall provide documentation from the licensed
25 practitioner that the prescription for the drug was legitimately issued and is a necessary part of the
26 treatment of the Respondent. Failure to timely provide such documentation shall be considered a
27 violation of probation. Respondent shall ensure that she is not in the same physical location as
28 individuals who are using illicit substances even if Respondent is not personally ingesting the

1 drugs. Any possession or use of alcohol, controlled substances, or their associated paraphernalia
2 not supported by the documentation timely provided, and/or any physical proximity to persons
3 using illicit substances, shall be considered a violation of probation.

4 **18. Mental Health Examination**

5 Within thirty (30) days of the effective date of this decision, and on a periodic basis as may
6 be required by the board or its designee, Respondent shall undergo, at his or her own expense,
7 psychiatric evaluation(s) by a board-appointed or board-approved licensed mental health
8 practitioner. The approved evaluator shall be provided with a copy of the board's [accusation or
9 petition to revoke probation] and decision. Respondent shall sign a release authorizing the
10 evaluator to furnish the board with a current diagnosis and a written report regarding the
11 Respondent's judgment and ability to function independently as a pharmacy technician with
12 safety to the public. Respondent shall comply with all the recommendations of the evaluator if
13 directed by the board or its designee.

14 If the evaluator recommends, and the board or its designee directs, Respondent shall
15 undergo psychotherapy. Within thirty (30) days of notification by the board that a
16 recommendation for psychotherapy has been accepted, Respondent shall submit to the board or
17 its designee, for prior approval, the name and qualification of a licensed mental health practitioner
18 of Respondent's choice. Within thirty (30) days of approval thereof by the board, Respondent
19 shall submit documentation to the board demonstrating the commencement of psychotherapy with
20 the approved licensed mental health practitioner. Should Respondent, for any reason, cease
21 treatment with the approved licensed mental health practitioner, Respondent shall notify the board
22 immediately and, within thirty (30) days of ceasing treatment therewith, submit the name of a
23 replacement licensed mental health practitioner of Respondent's choice to the board for its prior
24 approval. Within thirty (30) days of approval thereof, Respondent shall submit documentation to
25 the board demonstrating the commencement of psychotherapy with the approved replacement.
26 Failure to comply with any requirement or deadline stated by this paragraph shall be considered a
27 violation of probation.

28

1 Upon approval of the initial or any subsequent licensed mental health practitioner,
2 Respondent shall undergo and continue treatment with that therapist, at Respondent's own
3 expense, until the therapist recommends in writing to the board, and the board or its designee
4 agrees by way of a written notification to Respondent, that no further psychotherapy is necessary.
5 Upon receipt of such recommendation from the treating therapist, and before determining whether
6 to accept or reject said recommendation, the board or its designee may require Respondent to
7 undergo, at Respondent's expense, a mental health evaluation by a separate board-appointed or
8 board-approved evaluator. If the approved evaluator recommends that Respondent continue
9 psychotherapy, the board or its designee may require Respondent to continue psychotherapy.
10 Psychotherapy shall be at least once a week unless otherwise approved by the board.
11 Respondent shall provide the therapist with a copy of the board's [accusation or petition to revoke
12 probation] and decision no later than the first therapy session. Respondent shall take all necessary
13 steps to ensure that the treating therapist submits written quarterly reports to the board concerning
14 Respondent's fitness to practice, progress in treatment, and other such information as may be
15 required by the board or its designee.

16 If at any time the approved evaluator or therapist determines that Respondent is unable to
17 practice safely or independently as a pharmacy technician, the licensed mental health practitioner
18 shall notify the board immediately by telephone and follow up by written letter within three (3)
19 working days. Upon notification from the board or its designee of this determination, Respondent
20 shall be automatically suspended and shall not resume practice until notified by the board that
21 practice may be resumed.

22 19. **Community Services Program**

23 Within sixty (60) days of the effective date of this decision, Respondent shall submit to the
24 board or its designee, for prior approval, a community service program in which Respondent shall
25 provide free health-care related services on a regular basis to a community or charitable facility or
26 agency for at least 30 hours per year for the first two (2) years of probation. Within thirty (30)
27 days of board approval thereof, Respondent shall submit documentation to the board
28 demonstrating commencement of the community service program. A record of this notification

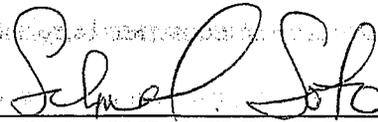
1 must be provided to the board upon request. Respondent shall report on progress with the
2 community service program in the quarterly reports. Failure to timely submit, commence, or
3 comply with the program shall be considered a violation of probation.

4 ACCEPTANCE

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

9
10 DATED:

10/10/2011



11 SALMA CHRISTINE URIBE, AKA SELMA SOTO
12 Respondent

13 ENDORSEMENT

14 The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully
15 submitted for consideration by the Board of Pharmacy of the Department of Consumer Affairs.

16
17 Dated: ^{10/20/}~~August 9,~~ 2011
KE

Respectfully submitted,

18 KAMALA D. HARRIS
19 Attorney General of California
20 JANICE K. LACHMAN
21 Supervising Deputy Attorney General



22 ANAHITA S. CRAWFORD
23 Deputy Attorney General
24 *Attorneys for Complainant*

25 SA2010102037
26 10736158.doc

Exhibit A

Accusation No. 3778

1 KAMALA D. HARRIS
Attorney General of California
2 JANICE K. LACHMAN
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14 1109 1/2 Columbia Street
Madera, Ca 93638
15 Pharmacy Technician Registration Number
16 TCH 56000
17 Respondent.

Case No. 3778

ACCUSATION

18
19 Complainant alleges:

20 **PARTIES**

- 21 1. Virginia Herold (Complainant) brings this Accusation solely in her official capacity
22 as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs.
23 2. On or about May 19, 2004, the Board of Pharmacy issued Pharmacy Technician
24 Registration Number TCH 56000 to Salma Christine Uribe, aka Selma Soto (Respondent). The
25 Pharmacy Technician Registration was in full force and effect at all times relevant to the charges
26 brought herein and will expire on December 31, 2011, unless renewed.

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

17 (o) Violating or attempting to violate, directly or indirectly, or assisting in or
18 abetting the violation of or conspiring to violate any provision or term of this chapter
19 or of the applicable federal and state laws and regulations governing pharmacy,
20 including regulations established by the board or by any other state or federal
21 regulatory agency.

22 (p) Actions or conduct that would have warranted denial of a license.

23 7. Section 480 of the Code states, in part:

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

26 (1) Been convicted of a crime. A conviction within the meaning of this section
27 means a plea or verdict of guilty or a conviction following a plea of nolo contendere.
28 Any action that 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 herself or another, or substantially injure another.

8. 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.

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1 d) On or about June 14, 2007, Madera County Sheriff's Department responded to a
2 vandalism report. The reporting party stated that a person, later identified as Respondent, had
3 thrown a brick through their window and damaged their car. Respondent stated "Yes I broke it
4 now take me to jail." Respondent was arrested. On or about June 20, 2007, in the criminal case
5 of *People vs. Salma Christine Uribe*, Case Number MCR028909 (Madera County Superior Court
6 (2007)), Respondent was convicted on her plea of guilty to violating Penal Code section 594,
7 subdivision (a) (vandalism), a misdemeanor. Respondent was granted three years of bench
8 probation, sentenced to time served and fined.

9 i) On or about September 7, 2007, Respondent was found to be in violation of
10 her probation due to a subsequent arrest.

11 ii) On or about February 1, 2008, Respondent was found to be in violation of
12 her probation due to a subsequent arrest.

13 e) On or about July 21, 2007, Fresno Police Department responded to a business
14 reporting a female with a pocket knife. Officers arrested Respondent for possessing a pocket
15 knife, wielding it in the air and stating to an employee in the store: "I'm gonna kill you
16 bitch...you don't know what I'll do to you." On or about July 31, 2007, in the criminal case of
17 *People vs. Salma Christine Uribe*, Case Number F07905687 (Fresno County Superior Court
18 (2006)), Respondent was convicted on her plea of nolo contendere to violating Penal Code
19 section 422 (criminal threats), a misdemeanor. Respondent was granted two years of conditional
20 probation, sentenced to 20 days jail and fined.

21 f) On or about August 15, 2007, Madera Police Department responded to a report
22 of criminal threat. The victim identified Respondent and stated that while he was asleep in his
23 car, Respondent approached his car holding a knife. Respondent stated to the victim, "If I don't
24 kill you, Javier would." Respondent was located at a park where she was known to officers to
25 frequent, and was arrested. She apologized for brandishing the weapon at the victim and stated
26 that she was going to go to prison for murder. On or about September 24, 2007, in the criminal
27 case of *People vs. Salma Christine Uribe*, Case Number MCR029395 (Madera County Superior
28 Court (2007)), Respondent was convicted on her plea of nolo contendere to violating Penal Code

1 section 417, subdivision (a)(1) (exhibit deadly weapon: not a firearm), a misdemeanor.

2 Respondent was granted three years of conditional probation, sentenced to time served, required
3 to complete a 45 day jail work program and fined.

4 g) On or about September 15, 2007, Madera Police Department responded to a
5 business on a report that a female was naked in the store. The reporting party identified
6 Respondent as the female, and stated that Respondent came into the store, took off her clothes
7 and asked all of the customers "You want some of this?" while pointing at her groin area. On or
8 about April 6, 2009, in the criminal case of *People vs. Salma Christine Uribe*, Case Number
9 MCR031393 (Madera County Superior Court (2008)), Respondent was convicted on her plea of
10 nolo contendere to violating Penal Code section 647, subdivision (a) (disorderly conduct: solicit
11 lewd act), a misdemeanor.

12 h) On or about September 22, 2007, Madera Police Department responded to a
13 report of theft of personal property. A witness stated that she observed Respondent go through
14 items in the bed of a truck, take a jacket from the truck, put it on, and walk away. Respondent
15 was arrested, at which time she became hysterical, accused officers of raping her and for arresting
16 her without any reason. On or about February 1, 2008, in the criminal case of *People vs. Salma*
17 *Christine Uribe*, Case Number MCR029763 (Madera County Superior Court (2007)), Respondent
18 was convicted on her plea of guilty to violating Penal Code section 488 (petty theft), a
19 misdemeanor. Respondent was granted three years of formal probation, sentenced to time served
20 and fined.

21 **SECOND CAUSE FOR DISCIPLINE**

22 **(Dishonest Acts)**

23 11. Respondent is subject to disciplinary action under section 4301, subdivision (f) in that
24 Respondent committed an act of dishonesty, fraud, deceit or corruption when she stole personal
25 items from a car, as fully set forth in paragraph 10 (h) above.

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