

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

In the Matter of the Accusation Against:

Case No. 4032

**MARTHA GONZALEZ**  
Aka **MARTHA ALICIA GONZALEZ**  
9635 Woodhue Street  
Pico Rivera, CA 90660

Pharmacy Technician Registration No.  
TCH 30404

Respondent.

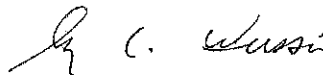
**DECISION AND ORDER**

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 February 12, 2014.

It is so ORDERED on February 7, 2014.

BOARD OF PHARMACY  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA



By

\_\_\_\_\_  
STAN C. WEISSER  
Board President

1 KAMALA D. HARRIS  
Attorney General of California  
2 ARMANDO ZAMBRANO  
Supervising Deputy Attorney General  
3 KRITHTHIKA VASUDEVAN  
Deputy Attorney General  
4 State Bar No. 247590  
300 So. Spring Street, Suite 1702  
5 Los Angeles, CA 90013  
Telephone: (213) 897-2540  
6 Facsimile: (213) 897-2804  
*Attorneys for Complainant*

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

12 In the Matter of the Accusation Against:

Case No. 4032

13 **MARTHA GONZALEZ**  
aka **MARTHA ALICIA GONZALEZ**  
14 9635 Woodhue Street  
Pico Rivera, CA 90660  
**Pharmacy Technician Registration No. TCH 30404**

**STIPULATED SURRENDER OF  
LICENSE 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 (Board). She brought this action solely in her official capacity and is represented in this matter by  
22 Kamala D. Harris, Attorney General of the State of California, by Kriththika Vasudevan, Deputy  
23 Attorney General.

24 2. On or about August 23, 1999, the Board of Pharmacy ("Board") issued Pharmacy  
25 Technician Registration No. TCH 30404 to Martha Gonzalez, also known as Martha Alicia  
26 Gonzalez ("Respondent"). The Pharmacy Technician Registration was in full force and effect at  
27  
28

1 all times relevant to the charges and allegations brought in Accusation No. 4032, and will expire  
2 on February 28, 2015, unless renewed.

3 **JURISDICTION**

4 3. Accusation No. 4032 was filed before the Board, Department of Consumer Affairs,  
5 and is currently pending against Respondent. The Accusation and all other statutorily required  
6 documents were properly served on Respondent on April 5, 2013. Respondent timely filed her  
7 Notice of Defense contesting the Accusation. A copy of Accusation No. 4032 is attached as  
8 exhibit A and incorporated herein by reference.

9 **ADVISEMENT AND WAIVERS**

10 4. Respondent has carefully read, and understands the charges and allegations in  
11 Accusation No. 4032.

12 5. Respondent has also carefully read, and understands the effects of this Stipulated  
13 Surrender of License and Disciplinary Order.

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

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

23 **CULPABILITY**

24 8. Respondent admits the truth of each and every charge and allegation in Accusation  
25 No. 4032.

26 9. Respondent agrees that her Pharmacy Technician Registration is subject to  
27 discipline and agrees to be bound by the discipline imposed by the Board as set forth in the  
28 Disciplinary Order below.

1           10. Respondent hereby agrees to surrender Pharmacy Technician Registration for the  
2 Board's formal acceptance.

3           11. Respondent understands that by signing this stipulation she enables the Board to  
4 issue an order accepting the surrender of her Pharmacy Technician Registration Number  
5 TCH 30404, without further process or formal court hearing.

6                                   CONTINGENCY

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

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

22           14. The parties understand and agree that facsimile copies of this Stipulated Surrender  
23 and Disciplinary Order, including facsimile signatures thereto, shall have the same force and  
24 effect as the originals.

25           15. In consideration of the foregoing admissions and stipulations, the parties agree that  
26 the Board may, without further notice or formal proceeding, issue and enter the following  
27 Disciplinary Order:

28 //

**DISCIPLINARY ORDER**

1  
2 IT IS HEREBY ORDERED that Pharmacy Technician Registration No. TCH 30404 to  
3 Respondent Martha Gonzalez, also known as Martha Alicia Gonzalez ("Respondent"), is  
4 surrendered and accepted by the Board of Pharmacy.

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

7 2. Respondent shall cause to be delivered to the Board her pocket registration and, if one  
8 was issued, her wall certificate on or before the effective date of the Decision and Order.

9 3. The surrender of Respondent's pharmacy technician registration and the acceptance  
10 of the surrendered registration by the Board shall constitute the imposition of discipline against  
11 Respondent. This decision constitutes a record of the discipline and shall become a part of  
12 Respondent's history with the Board of Pharmacy.

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

16 5. Respondent understands and agrees that if she ever applies for licensure or  
17 petitions for reinstatement in the State of California, the Board shall treat it as a new  
18 application for licensure. Respondent must comply with all the laws, regulations and  
19 procedures for licensure in effect at the time the application or petition is filed, and all of  
20 the charges and allegations contained in Accusation No. 4032 shall be deemed to be true,  
21 correct and admitted by Respondent when the Board determines whether to grant or deny  
22 the application or petition.

23 6. Respondent shall pay the Board its costs of investigation and enforcement in the  
24 amount of \$5,992.50 prior to issuance of a new or reinstated license.

25 //

26 //

27 //

28 //

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

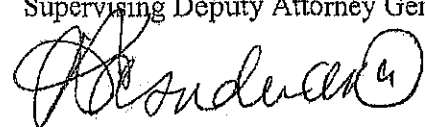
ACCEPTANCE

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

DATED: 10/5/2013   
MARTHA GONZALEZ  
Respondent

ENDORSEMENT

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

Dated: Respectfully submitted,  
KAMALA D. HARRIS  
Attorney General of California  
ARMANDO ZAMBRANO  
Supervising Deputy Attorney General  
  
KRITHTHIKA VASUDEVAN  
Deputy Attorney General  
Attorneys for Complainant

LA2011600564  
51362851.docx/09.09.13

**Exhibit A**

**Accusation No. 4032**

1 KAMALA D. HARRIS  
Attorney General of California  
2 GLORIA A. BARRIOS  
Supervising Deputy Attorney General  
3 ARMANDO ZAMBRANO  
Deputy Attorney General  
4 State Bar No. 225325  
300 So. Spring Street, Suite 1702  
5 Los Angeles, CA 90013  
Telephone: (213) 897-2542  
6 Facsimile: (213) 897-2804  
*Attorneys for Complainant*  
7

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

11 In the Matter of the Accusation Against:

Case No. 4032

12 **MARTHA GONZALEZ**  
aka **MARTHA ALICIA GONZALEZ**  
13 9635 Woodhue Street  
Pico Rivera, CA 90660  
14 **Pharmacy Technician Registration No. TCH 30404**

**ACCUSATION**

15 Respondent.

16 Complainant alleges:

17 **PARTIES**

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

20 2. On or about August 23, 1999, the Board of Pharmacy ("Board") issued Original  
21 Pharmacy Technician Registration No. TCH 30404 to Martha Gonzalez, also known as Martha  
22 Alicia Gonzalez ("Respondent"). The Pharmacy Technician Registration was in full force and  
23 effect at all times relevant to the charges and allegations brought herein, and will expire on  
24 February 28, 2013, unless renewed.

25 **JURISDICTION**

26 3. This Accusation is brought before the Board under the authority of the following  
27 laws. All section references are to the Business and Professions Code ("Code") unless otherwise  
28 indicated.



1 4. Code Section 4011 provides:  
2 "The board shall administer and enforce this chapter [Pharmacy Law, (Business and  
3 Professions Code, Sec 4000 et seq.)) and the Uniform Controlled Substances Act (Division 10  
4 (commencing with Section 11000) of the Health and Safety Code)."

5 5. Code Section 4300 permits the Board to take disciplinary action to suspend or revoke  
6 a license issued by the Board.

7 6. Code section 118(b) provides:  
8 "The suspension, expiration, or forfeiture by operation of law of a license issued by  
9 a board in the department, or its suspension, forfeiture, or cancellation by order of  
10 the board or by order of a court of law, or its surrender without the written consent  
11 of the board, shall not, during any period in which it may be renewed, restored,  
12 reissued, or reinstated, deprive the board of its authority to institute or continue a  
13 disciplinary proceeding against the licensee upon any ground provided by law or to  
14 enter an order suspending or revoking the license or otherwise taking disciplinary  
15 action against the licensee on any such ground."

16 STATUTORY PROVISIONS

17 7. Code section 490 provides in pertinent part:  
18 "(a) In addition to any other action that a board is permitted to take against a  
19 licensee, a board may suspend or revoke a license on the ground that the licensee  
20 has been convicted of a crime, if the crime is substantially related to the  
21 qualifications, functions, or duties of the business or profession for which the  
22 license was issued.  
23 (b) Notwithstanding any other provision of law, a board may exercise any  
24 authority to discipline a licensee for conviction of a crime that is independent of  
25 the authority granted under subdivision (a) only if the crime is substantially related  
26 to the qualifications, functions, or duties of the business or profession for which  
27 the licensee's license was issued.  
28 (c) A conviction within the meaning of this section means a plea or verdict of  
guilty or a conviction following a plea of nolo contendere. 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. . ."

8. Code section 493 provides:  
"Notwithstanding any other provision of law, in a proceeding conducted by a board  
within the department pursuant to law to deny an application for a license or to  
suspend or revoke a license or otherwise take disciplinary action against a person  
who holds a license, upon the ground that the applicant or the licensee has 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  
3 substantially related to the qualifications, functions, and duties of the licensee in  
4 question. As used in this section, "license" includes "certificate," "permit,"  
5 "authority," and "registration."

6 9. Code section 4301 provides in pertinent part:

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

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

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

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

22 (l) The conviction of a crime substantially related to the qualifications, functions,  
23 and duties of a licensee under this chapter. The record of conviction of a violation  
24 of Chapter 13 (commencing with Section 801) of Title 21 of the United States  
25 Code regulating controlled substances or of a violation of the statutes of this state  
26 regulating controlled substances or dangerous drugs shall be conclusive evidence  
27 of unprofessional conduct. In all other cases, the record of conviction shall be  
28 conclusive evidence only of the fact that the conviction occurred. The board may  
inquire into the circumstances surrounding the commission of the 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  
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.

10. Code section 4021 provides:

"Controlled substance" means any substance listed in Chapter 2 (commencing with Section  
11053) of Division 10 of the Health and Safety Code.

//

1 11. Code section 4022 provides:

2 "Dangerous drug" or "dangerous device" means any drug or device unsafe for self-  
3 use in humans or animals, and includes the following:

4 (a) Any drug that bears the legend: "Caution: federal law prohibits dispensing  
5 without prescription," "Rx only," or words of similar import.

6 (b) Any device that bears the statement: "Caution: federal law restricts this device  
7 to sale by or on the order of a \_\_\_\_\_," "Rx only," or words of similar import, the  
8 blank to be filled in with the designation of the practitioner licensed to use or order  
9 use of the device.

10 (c) Any other drug or device that by federal or state law can be lawfully dispensed  
11 only on prescription or furnished pursuant to Section 4006.

12 12. Code section 4060 provides in pertinent part:

13 "No person shall possess any controlled substance, except that furnished to a  
14 person upon the prescription of a physician, dentist, podiatrist, optometrist,  
15 veterinarian, or naturopathic doctor pursuant to Section 3640.7, or furnished  
16 pursuant to a drug order issued by a certified nurse-midwife pursuant to Section  
17 2746.51, a nurse practitioner pursuant to Section 2836.1, a physician assistant  
18 pursuant to Section 3502.1, a naturopathic doctor pursuant to Section 3640.5, or a  
19 pharmacist pursuant to either Section 4052.1 or 4052.2. . ."

#### 20 REGULATORY PROVISION

21 13. California Code of Regulations, title 16, section 1770, provides:

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

#### 29 CONTROLLED SUBSTANCES AND DANGEROUS DRUGS

30 14. Methamphetamine is a Schedule II controlled substance per Health and Safety Code  
31 section 11055(d)(2) and is a powerful central nervous system stimulant.

32 15. Cocaine is a Schedule II controlled substance per Health and Safety Code section  
33 11055(a)(6) and is a powerful central nervous system stimulant.

34 16. Marijuana is listed as a Schedule I controlled substance per Health and Safety Code  
35 section 11054(d)(13).

#### 36 COST RECOVERY

37 17. Section 125.3 of the Code states, in pertinent part, that the Board may request the  
38 administrative law judge to direct a licentiate found to have committed a violation or violations of

1 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
2 enforcement of the case.

3 **FIRST CAUSE FOR DISCIPLINE**

4 **(Conviction of a Substantially Related Crime – Money Laundering)**

5 18. Respondent has subjected her pharmacy technician registration to discipline under  
6 Code sections 490 and 4301(I), in accordance with California Code of Regulations, Title 16,  
7 section 1770, for unprofessional conduct because the Respondent has been convicted of a crime  
8 substantially related to the qualifications, functions, and duties of a pharmacy technician:

9 a. On November 26, 2007, in the United States District Court for the Central District of  
10 California, the Respondent entered a guilty plea and was convicted of the crime of Conspiracy to  
11 Launder Money in violation of 18 U.S.C. Sections 1956(h), 1956(a)(1), and 1957, a Class C  
12 felony. The Respondent was sentenced to three (3) years probation, ordered to serve six months  
13 in home detention, perform 200 hours of community service, and enroll in a mental-health  
14 counseling program. (*United States of America v. Martha Gonzalez, United States District Court*  
15 *for the Central District of California, case number CR-05-1178-MMM*).

16 b. The facts and circumstances surrounding the conviction are that between August  
17 2003 and November 2005, the Respondent was involved in a criminal conspiracy that engaged in  
18 multiple financial transactions using proceeds derived from unlawful activity, and the Respondent  
19 knowingly intended to disguise the true source of the illegal proceeds and activity. During this  
20 period, the Respondent received at least \$64,680 in cash from narcotics trafficking proceeds, then  
21 deposited the money into a bank account, and wrote checks from that account at the direction of  
22 her co-conspirators, so that the final transactions would appear to be from a legitimate source.  
23 The Respondent also assisted co-conspirators by purchasing real property with drug proceeds,  
24 obtaining loans for the purchase of real property by providing false information to banks, and  
25 making mortgage payments with drug proceeds. Additionally, the Respondent assisted the  
26 conspiracy by communicating coded messages between narcotic traffickers. In November 2005,  
27 the Respondent's co-conspirators were involved in the trafficking of approximately 15 kilograms  
28 of cocaine and 65 kilograms of marijuana near Ontario, CA.



1 contact, the police noticed the Respondent had rapid speech, was sweating, and unable to stand  
2 still, with constant moving of her hands and feet. The Respondent later admitted that she was  
3 trying to trade the items for drugs and that she had smoked methamphetamine 90 minutes earlier  
4 and wanted to buy more drugs. She also indicated she was willing to get help for her drug  
5 problem before she loses her children. A urine sample was obtained, which a laboratory analysis  
6 indicated contained amphetamines.

7 FOURTH CAUSE FOR DISCIPLINE

8 (Violation of a Statute Involving Controlled Substances and Dangerous Drugs)

9 21. Respondent has subjected her pharmacy technician registration to discipline under  
10 Code section 4301(j) in accordance with Code section 4060, for unprofessional conduct because  
11 the Respondent was convicted of a crime in violation of a statute of this state, of any other state,  
12 or of the United States regulating controlled substances and dangerous drugs. Complainant refers  
13 to, and by this reference incorporates the allegations set forth in paragraph 20, inclusive, as  
14 though set forth fully herein.

15 FIFTH CAUSE FOR DISCIPLINE

16 (Illegal Use of Controlled Substances and Posing Danger to Public)

17 22. Respondent has subjected her pharmacy technician registration to discipline under  
18 Code section 4301(h) in accordance with Code section 4060, for unprofessional conduct because  
19 the Respondent administering to herself a controlled substance to the extent or in a manner as to  
20 be dangerous or injurious to herself, to a person holding a license, or to any other person or to the  
21 public, or to the extent that the Respondent's use impairs her ability to conduct with safety to the  
22 public the practice authorized by the license. Complainant refers to, and by this reference  
23 incorporates the allegations set forth in paragraph 20, inclusive, as though set forth fully herein.

24 //  
25 //  
26 //  
27 //  
28 //

1 PRAYER

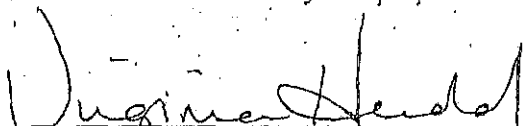
2 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,  
3 and that following the hearing, the Board issue a decision:

4 1. Revoking or suspending Pharmacy Technician Registration No. TCH 30404, issued  
5 to Respondent Martha Gonzalez;

6 2. Ordering Martha Gonzalez to pay the Board the reasonable costs of the investigation  
7 and enforcement of this case, pursuant to Business and Professions Code section 125.3; and

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

9  
10 DATED: 3/1/13



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

11  
12  
13  
14 LA2011600564/51205736.doc/12.11.12