



California State Board of Pharmacy
 1625 N. Market Blvd, N219, Sacramento, CA 95834
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BUSINESS, CONSUMER SERVICES AND HOUSING 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>Angelica Arreola</u>	Case No. <u>AC 4314</u>
Address of Record: <u>1857 E. 70th St.</u> <u>Los Angeles, CA. 90001</u>	

Pursuant to the terms and conditions of my probation with the California State Board of Pharmacy (Board) in Case No. AC4314, I hereby request to surrender my pharmacy technician license, License No. 100768. 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.

Angelica Arreola 4-30-14
 Applicant's Signature Date
Virginia Furd 5/9/14
 Executive Officer's Approval 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 Accusation Against:

Case No. 4314

OAH No. 2013090641

ANGELICA ARREOLA

1857 E. 70th Street
Los Angeles, CA 90001

Pharmacy Technician Registration No.
TCH 100768

Respondent.

DECISION AND ORDER

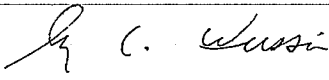
The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Board of Pharmacy, Department of Consumer Affairs, as its Decision in this matter.

This decision shall become effective on April 4, 2014.

It is so ORDERED on March 28, 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 GREGORY J. SALUTE
Supervising Deputy Attorney General
3 CRISTINA FELIX
Deputy Attorney General
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7 *Attorneys for Complainant*

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

11 In the Matter of the Accusation Against:
12 **ANGELICA ARREOLA**
13 **1857 E. 70th Street**
Los Angeles, CA 90001
14 **Pharmacy Technician Registration No. TCH**
15 **100768**
16 Respondent.

Case No. 4314
OAH No. 2013090641
STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER

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 Cristina Felix, Deputy Attorney
23 General.
24 2. Respondent Angelica Arreola ("Respondent") is representing herself in this
25 proceeding and has chosen not to exercise her right to be represented by counsel.

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1 3. On or about April 14, 2010, the Board of Pharmacy issued Pharmacy Technician
2 Registration No. TCH 100768 to Angelica Arreola (Respondent). The Pharmacy Technician
3 Registration was in full force and effect at all times relevant to the charges brought in Accusation
4 No. 4314 and will expire on September 30, 2015, unless renewed.

5 JURISDICTION

6 4. Accusation No. 4314 was filed before the Board of Pharmacy (Board), Department
7 of Consumer Affairs, and is currently pending against Respondent. The Accusation and all other
8 statutorily required documents were properly served on Respondent on August 21, 2013.
9 Respondent timely filed her Notice of Defense contesting the Accusation.

10 5. A copy of Accusation No. 4314 is attached as exhibit A and incorporated herein by
11 reference.

12 ADVISEMENT AND WAIVERS

13 6. Respondent has carefully read, and understands the charges and allegations in
14 Accusation No. 4314. Respondent has also carefully read, and understands the effects of this
15 Stipulated Settlement and Disciplinary Order.

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

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

25 CULPABILITY

26 9. Respondent admits the truth of each and every charge and allegation in Accusation
27 No. 4314.
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1 10. Respondent agrees that her Pharmacy Technician Registration is subject to discipline
2 and she agrees to be bound by the Board's probationary terms as set forth in the Disciplinary
3 Order below.

4 CONTINGENCY

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

14 12. The parties understand and agree that Portable Document Format (PDF) and facsimile
15 copies of this Stipulated Settlement and Disciplinary Order, including Portable Document Format
16 (PDF) and facsimile signatures thereto, shall have the same force and effect as the originals.

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

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

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1 **DISCIPLINARY ORDER**

2 IT IS HEREBY ORDERED that Pharmacy Technician Registration No. TCH 100768
3 issued to Respondent Angelica Arreola (Respondent) is revoked. However, the revocation is
4 stayed, and Respondent is placed on probation for four (4) years on the following terms and
5 conditions.

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

7 Respondent shall be automatically suspended from working as a pharmacy technician until
8 she is certified as defined by Business and Professions Code section 4202(a)(4) and provides
9 satisfactory proof of certification to the board. Respondent shall not resume working as a
10 pharmacy technician until notified by the board. Failure to achieve certification within one (1)
11 year shall be considered a violation of probation. Respondent shall not resume working as a
12 pharmacy technician until notified by the board.

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

21 **2. Obey All Laws**

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

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

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

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

12 **3. Report to the Board**

13 Respondent shall report to the board quarterly, on a schedule as directed by the board or its

14 designee. The report shall be made either in person or in writing, as directed. Among other

15 requirements, respondent shall state in each report under penalty of perjury whether there has

16 been compliance with all the terms and conditions of probation. Failure to submit timely reports

17 in a form as directed shall be considered a violation of probation. Any period(s) of delinquency

18 in submission of reports as directed may be added to the total period of probation. Moreover, if

19 the final probation report is not made as directed, probation shall be automatically extended until

20 such time as the final report is made and accepted by the board.

21 **4. Interview with the Board**

22 Upon receipt of reasonable prior notice, respondent shall appear in person for interviews

23 with the board or its designee, at such intervals and locations as are determined by the board or its

24 designee. Failure to appear for any scheduled interview without prior notification to board staff,

25 or failure to appear at two (2) or more scheduled interviews with the board or its designee during

26 the period of probation, shall be considered a violation of probation.

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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 case number 4314 and the terms, conditions and restrictions imposed on respondent by the decision, as follows:

Within thirty (30) days of the effective date of this decision, and within fifteen (15) days of respondent undertaking any new employment, respondent shall cause her direct supervisor, pharmacist-in-charge (including each new pharmacist-in-charge employed during respondent's tenure of employment) and owner to report to the board in writing acknowledging that the listed individual(s) has/have read the decision in case number 4314 and the terms and conditions imposed thereby. It shall be respondent's responsibility to ensure that her employer(s) and/or supervisor(s) submit timely acknowledgement(s) to the board.

If respondent works for or is employed by or through a pharmacy employment service, respondent must notify her direct supervisor, pharmacist-in-charge and owner at every pharmacy of the terms and conditions of the decision in case number 4314 in advance of the respondent commencing work at each pharmacy. A record of this notification must be provided to the board upon request.

Furthermore, within thirty (30) days of the effective date of this decision, and within fifteen (15) days of respondent undertaking any new employment by or through a pharmacy employment service, respondent shall cause her direct supervisor with the pharmacy employment service to report to the board in writing acknowledging that she has read the decision in case number 4314 and the terms and conditions imposed thereby. It shall be respondent's responsibility to ensure that her employer(s) and/or supervisor(s) submit timely acknowledgment(s) to the board.

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

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

9 **7. Reimbursement of Board Costs**

10 As a condition precedent to successful completion of probation, respondent shall pay to the
11 board its costs of investigation and prosecution in the amount of \$3,500.62. Respondent shall
12 make such payments pursuant to a payment plan outlined by the Board. There shall be no
13 deviation from this schedule absent prior written approval by the board or its designee. Failure to
14 pay costs by the deadline(s) as directed shall be considered a violation of probation.

15 The filing of bankruptcy by respondent shall not relieve respondent of her responsibility to
16 reimburse the board its costs of investigation and prosecution.

17 **8. Probation Monitoring Costs**

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

22 **9. Status of License**

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

26 If respondent's pharmacy technician license expires or is cancelled by operation of law or
27 otherwise at any time during the period of probation, including any extensions thereof due to
28 tolling or otherwise, upon renewal or reapplication respondent's license shall be subject to all

1 terms and conditions of this probation not previously satisfied.

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

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

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

17 **11. Notification of a Change in Name, Residence Address, Mailing Address or**
18 **Employment**

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

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

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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, until
24 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.

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1 If respondent violates probation in any respect, the board, after giving respondent notice
2 and an opportunity to be heard, may revoke probation and carry out the disciplinary order that
3 was stayed. Notice and opportunity to be heard are not required for those provisions stating that a
4 violation thereof may lead to automatic termination of the stay and/or revocation of the license. If
5 a petition to revoke probation or an accusation is filed against respondent during probation, the
6 board shall have continuing jurisdiction, and the period of probation shall be automatically
7 extended until the petition to revoke probation or accusation is heard and decided.

8 **14. Completion of Probation**

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

11 **15. No Ownership of Licensed Premises**

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

19 Respondent shall not acquire any new ownership, legal or beneficial interest nor serve as a
20 manager, administrator, member, officer, director, trustee, associate, or partner of any additional
21 business, firm, partnership, or corporation licensed by the board. If respondent currently owns or
22 has any legal or beneficial interest in, or serve as a manager, administrator, member, officer,
23 director, trustee, associate, or partner of any business, firm, partnership, or corporation currently
24 or hereinafter licensed by the board, respondent may continue to serve in such capacity or hold
25 that interest, but only to the extent of that position or interest as of the effective of this decision.
26 Violation of this restriction shall be considered a violation of probation.

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1 **16. Attend Substance Abuse Recovery Relapse Prevention and Support Groups**

2 Within thirty (30) days of the effective date of this decision, if respondent has a confirmed
3 positive drug screening as set forth below, respondent shall begin regular attendance at a
4 recognized and established substance abuse recovery support group in California, (e.g.,
5 Alcoholics Anonymous, Narcotics Anonymous, etc.) which has been approved by the board or its
6 designee. Respondent must attend at least one group meeting per week unless otherwise directed
7 by the board or its designee. Respondent shall continue regular attendance and submit signed and
8 dated documentation confirming attendance with each quarterly report for the duration of
9 probation. Failure to attend or submit documentation thereof shall be considered a violation of
10 probation.

11 **17. Random Drug Screening**

12 Respondent, at her own expense, shall participate in random testing, including but not
13 limited to biological fluid testing (urine, blood), breathalyzer, hair follicle testing, or other drug
14 screening program as directed by the board or its designee. Respondent may be required to
15 participate in testing for the entire probation period and the frequency of testing will be
16 determined by the board or its designee. At all times respondent shall fully cooperate with the
17 board or its designee, and shall, when directed, submit to such tests and samples for the detection
18 of alcohol, narcotics, hypnotics, dangerous drugs or other controlled substances as the board or its
19 designee may direct. Failure to timely submit to testing as directed shall be considered a violation
20 of probation. Upon request of the board or its designee, respondent shall provide documentation
21 from a licensed practitioner that the prescription for a detected drug was legitimately issued and is
22 a necessary part of the treatment of the respondent. Failure to timely provide such documentation
23 shall be considered a violation of probation. Any confirmed positive test for alcohol or for any
24 drug not lawfully prescribed by a licensed practitioner as part of a documented medical treatment
25 shall be considered a violation of probation and shall result in the automatic suspension of work
26 by respondent. Respondent may not resume work as a pharmacy technician until notified by the
27 board in writing.

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

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

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

14 **18. Notification of Departure**

15 Prior to leaving the probationary geographic area designated by the board or its designee for
16 a period greater than twenty-four (24) hours, respondent shall notify the board verbally and in
17 writing of the dates of departure and return. Failure to comply with this provision shall be
18 considered a violation of probation.

19 **19. Abstain from Drugs and Alcohol Use**

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

1 not supported by the documentation timely provided, and/or any physical proximity to persons.
2 using illicit substances, shall be considered a violation of probation.

3 **20. Tolling of Suspension**

4 During the period of suspension, respondent shall not leave California for any period
5 exceeding ten (10) days, regardless of purpose (including vacation). Any such absence in excess
6 of ten (10) days during suspension shall be considered a violation of probation. Moreover, any
7 absence from California during the period of suspension exceeding ten (10) days shall toll the
8 suspension, i.e., the suspension shall be extended by one day for each day over ten (10) days
9 respondent is absent from California. During any such period of tolling of suspension,
10 respondent must nonetheless comply with all terms and conditions of probation.

11 Respondent must notify the board in writing within ten (10) days of departure, and must
12 further notify the board in writing within ten (10) days of return. The failure to provide such
13 notification(s) shall constitute a violation of probation. Upon such departure and return,
14 respondent shall not return to work until notified by the board that the period of suspension has
15 been satisfactorily completed.

16 ACCEPTANCE

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

21 DATED: 2.21.14 Angelica Arreola
22 ANGELICA ARREOLA
23 Respondent

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ENDORSEMENT


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The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Board of Pharmacy.

Dated: 02/21/2014

Respectfully submitted,

KAMALA D. HARRIS
Attorney General of California
GREGORY J. SALUTE
Supervising Deputy Attorney General


CRISTINA FELIX
Deputy Attorney General
Attorneys for Complainant

LA2012506946
51462273_2.doc

Exhibit A

Accusation No. 4314

1 KAMALA D. HARRIS
Attorney General of California
2 MARC D. GREENBAUM
Supervising Deputy Attorney General
3 BORA SONG
Deputy Attorney General
4 State Bar No. 276475
300 So. Spring Street, Suite 1702
5 Los Angeles, CA 90013
Telephone: (213) 897-2674
6 Facsimile: (213) 897-2809
E-mail: Bora.Song@doj.ca.gov

7 *Attorneys for Complainant*

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

12 In the Matter of the Accusation Against:
13 **ANGELICA ARREOLA**
1857 E. 70th Street
14 Los Angeles, CA 90001
15 **Pharmacy Technician Registration No. TCH**
100768
16
17 Respondent.

Case No. 4314

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 April 14, 2010, the Board of Pharmacy ("Board") issued Pharmacy
24 Technician Registration No. TCH 100768 to Angelica Arreola ("Respondent"). The Pharmacy
25 Technician Registration was in full force and effect at all times relevant to the charges brought
26 herein and will expire on September 30, 2013, unless renewed.

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1 JURISDICTION

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

4 STATUTORY PROVISIONS

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

9 5. Section 490 states, in pertinent part:

10 "(a) In addition to any other action that a board is permitted to take against a licensee, a
11 board may suspend or revoke a license on the ground that the licensee has been convicted of a
12 crime, if the crime is substantially related to the qualifications, functions, or duties of the business
13 or profession for which the license was issued.

14 "(b) Notwithstanding any other provision of law, a board may exercise any authority to
15 discipline a licensee for conviction of a crime that is independent of the authority granted under
16 subdivision (a) only if the crime is substantially related to the qualifications, functions, or duties
17 of the business or profession for which the licensee's license was issued.

18 "(c) A conviction within the meaning of this section means a plea or verdict of guilty or a
19 conviction following a plea of nolo contendere. Any action that a board is permitted to take
20 following the establishment of a conviction may be taken when the time for appeal has elapsed, or
21 the judgment of conviction has been affirmed on appeal, or when an order granting probation is
22 made suspending the imposition of sentence, irrespective of a subsequent order under the
23 provisions of Section 1203.4 of the Penal Code."

24 6. Section 4300 permits the Board to take disciplinary action by suspending or revoking
25 any license issued by the Board.

26 7. Section 4301 states, in pertinent part:
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28

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

4

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

8

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

11

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

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

8. Section 493 of the Code states:

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

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

REGULATORY PROVISIONS

9. 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 **COST RECOVERY**

2 10. Section 125.3 provides that the Board may request the administrative law judge to
3 direct a licentiate found to have committed a violation or violations of the licensing act to pay a
4 sum not to exceed the reasonable costs of the investigation and enforcement of the case.

5 **CONTROLLED SUBSTANCES**

6 11. "Cocaine" is a Schedule II controlled substance as designated by Health and Safety
7 Code section 11055, subdivision (b)(6), and Business and Professions Code section 4021.

8 12. "Methamphetamine" is a Schedule II controlled substance as designated by Health
9 and Safety Code section 11055, subdivision (d)(2), and Business and Professions Code section
10 4021.

11 **FIRST CAUSE FOR DISCIPLINE**

12 **(Conviction of a Substantially Related Crime)**

13 13. Respondent is subject to disciplinary action under Section 490 and Section 4301,
14 subdivision (1), in conjunction with California Code of Regulations, title 16, section 1770, in that
15 Respondent was convicted of a crime substantially related to the qualifications, functions or
16 duties of a pharmacy technician.

17 14. On or about January 24, 2012, in a criminal proceeding entitled *People v. Angelica*
18 *Arreola* (Super. Ct. Los Angeles County, 2012, No. TA119516), Respondent entered a plea of
19 nolo contendere and was convicted of Assault with a Deadly Weapon, a violation of Penal Code
20 section 245, subdivision (a)(1), a misdemeanor. Two felony counts of Penal Code section 245,
21 subdivision (a)(1) were dismissed in light of the plea. The Court placed Respondent on three
22 years summary probation, and ordered her to serve four days in Los Angeles County Jail, less
23 four days credit for time served, and to pay restitution, fines, and fees. The Court also ordered
24 Respondent to attend two Alcoholics Anonymous meetings per week for six months. The
25 circumstances of the offense are as follows:

26 a. On or about August 14, 2011, Deputies from the Los Angeles County Sheriff's
27 Department were dispatched regarding a battery at 2210 126th Street in Los Angeles. Upon
28 arrival, the deputies contacted victim P.R. who stated that Respondent punched her in the left side

1 of her face and hit her with a beer bottle. According to witnesses, Respondent approached P.R.,
2 pulled P.R.'s hair, punched her in the face, and hit her with an empty 12-ounce Corona glass beer
3 bottle, without provocation. Witnesses further reported that Respondent was intoxicated at the
4 time of the incident. Respondent was consequently arrested for assault with a deadly weapon, a
5 violation of Penal Code section 245, subdivision (a)(1). A detective from the Los Angeles
6 County Sheriff's Department conducted an interview of Respondent, under *Miranda*. Respondent
7 stated that she had a verbal argument with P.R. and admitted punching P.R. in the face but denied
8 hitting her with a glass bottle. Respondent also admitted that she was drinking a "Corona" out of
9 a glass bottle.

10 **SECOND CAUSE FOR DISCIPLINE**

11 **(Acts Involving Moral Turpitude, Dishonesty, Fraud, Deceit, or Corruption)**

12 15. Respondent is subject to disciplinary action under Section 4301, subdivision (f), in
13 that Respondent committed an act involving moral turpitude, dishonesty, fraud, deceit, or
14 corruption. Complainant refers to, and by this reference incorporates, the allegations set forth
15 above in paragraphs 14 and 14(a) as though set forth fully herein.

16 **THIRD CAUSE FOR DISCIPLINE**

17 **(Possession of a Controlled Substance)**

18 16. Respondent is subject to disciplinary action under section 4301, subdivision (j), in
19 that on or about November 14, 2010, Respondent was found to be in possession of a controlled
20 substance. The circumstances of the offense are as follows:

21 a. On or about November 14, 2010, Deputies K.J. and N.Z. of the Los Angeles
22 County Sheriff's Department made a traffic stop of a 2005 blue Chevrolet Impala with license
23 plate no. 5RXH291 for two different violations of the Vehicle Code. Upon making contact with
24 the driver, who was later identified by her valid California Driver's License as Respondent,
25 Respondent stated that her driver's license was in her black wallet inside her purse and consented
26 to the deputies retrieving her driver's license from her purse. As Deputy K.J. retrieved
27 Respondent's wallet, he observed a plastic bag containing a white powdery substance, which he
28 immediately recognized as powder cocaine.

1 b. During a search incident to arrest, Deputy N.Z. recovered five plastic bags
2 containing a white crystal-like substance resembling crystal methamphetamine from a small black
3 pouch inside Respondent's purse. The amount of methamphetamine was more than what is
4 commonly possessed for personal use and was packaged in like-sized bags, containing like-sized
5 quantities, which the deputies knew to be common practice for street level sales. In addition,
6 Respondent was not under the influence of narcotics and did not possess paraphernalia commonly
7 used to ingest narcotics. Under *Miranda*, Respondent stated that she was at a party on November
8 13, 2010 and someone from the party must have placed the narcotics in her purse. Respondent
9 stated that she works in the medical field and does not use narcotics.

10 c. On or about November 16, 2010, the People filed a criminal complaint entitled
11 *People v. Angelica Arreola* (Super. Ct. Los Angeles County, 2010, No. 0FF03545), charging
12 Respondent with one misdemeanor count of possession of a controlled substance, a violation
13 Health and Safety Code section 11377, subdivision (a). On or about November 16, 2010,
14 Respondent entered a not guilty plea to the sole count. On or about December 16, 2010, the
15 People informed the Court that they were unable to proceed due to witness unavailability.
16 Consequently, defense counsel for Respondent moved to dismiss the Complaint pursuant to Penal
17 Code section 1382 and the Court granted the motion.

18 **FOURTH CAUSE FOR DISCIPLINE**

19 **(Violation of State Laws and Regulations Governing Pharmacy)**

20 17. Respondent is subject to disciplinary action under Section 4301, subdivision (o), in
21 that she committed an act or several acts in violation of the state laws and regulations governing
22 pharmacy, including regulations established by the Board or by any other state or federal
23 regulatory agency. Complainant refers to, and by this reference incorporates, the allegations set
24 forth above in paragraphs 14 through 16(c), inclusive, as though set forth fully herein.

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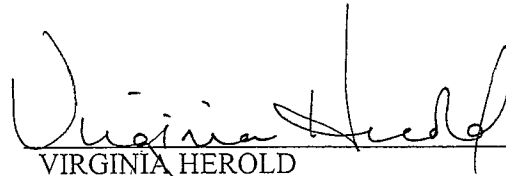
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PRAYER

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

1. Revoking or suspending Pharmacy Technician Registration Number TCH 100768, issued to Angelica Arreola;
2. Ordering Angelica Arreola to pay the Board of Pharmacy the reasonable costs of the investigation and enforcement of this case, pursuant to Section 125.3;
3. Taking such other and further action as deemed necessary and proper.

DATED: 8/14/13



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

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