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

In the Matter of the Accusation Against:

SOCORRO LOPEZ
424 Bradley Ave.
Montebello, CA 90640
Pharmacy Technician Registration No. TCH
124126

Respondent.

Case No. 5146

DEFAULT DECISION AND ORDER

[Gov. Code, §11520]

FINDINGS OF FACT

1. On or about August 28, 2015, Complainant Virginia Herold, in her official capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs, filed Accusation No. 5146 against Socorro Lopez (Respondent) before the Board of Pharmacy. (Accusation attached as Exhibit A.)

2. On or about June 19, 2012, the Board of Pharmacy (Board) issued Pharmacy Technician Registration No. TCH 124126 to Respondent. The Pharmacy Technician Registration

1 was in full force and effect at all times relevant to the charges brought in Accusation No. 5146
2 and will expire on October 31, 2015, unless renewed. This lapse in licensure, however, pursuant
3 to Business and Professions Code section 118(b) and/or agency-specific statute does not deprive
4 the Board of its authority to institute or continue this disciplinary proceeding.

5
6 3. On or about August 28, 2015, Respondent was served by Certified and First Class
7 Mail copies of the Accusation No. 5146, Statement to Respondent, Notice of Defense, Request
8 for Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6, and
9 11507.7) at Respondent's address of record which, pursuant to Business and Professions Code
10 section 4100, is required to be reported and maintained with the Board. Respondent's address of
11 record was and is:

12 424 Bradley Ave.
13 Montebello, CA 90640.

14 4. Service of the Accusation was effective as a matter of law under the provisions of
15 Government Code section 11505, subdivision (c) and/or Business & Professions Code section
16 124.

17 5. 5.1. Government Code section 11506 states, in pertinent part:

18 . . .
19 (c) The respondent shall be entitled to a hearing on the merits if the respondent
20 files a notice of defense, and the notice shall be deemed a specific denial of all parts
21 of the accusation not expressly admitted. Failure to file a notice of defense shall
22 constitute a waiver of respondent's right to a hearing, but the agency in its discretion
23 may nevertheless grant a hearing.

24 6. Respondent failed to file a Notice of Defense within 15 days after service upon her of
25 the Accusation, and therefore waived her right to a hearing on the merits of Accusation No. 5146.

26 7. California Government Code section 11520 states, in pertinent part:

27 (a) If the respondent either fails to file a notice of defense or to appear at the
28 hearing, the agency may take action based upon the respondent's express admissions
or upon other evidence and affidavits may be used as evidence without any notice to
respondent.

1 hers and for her own personal use. She was subsequently arrested for violating Health and Safety
2 code section 11377, subdivision (a) [possession of a controlled substance-Methamphetamine].
3

4 ORDER

5 IT IS SO ORDERED that Pharmacy Technician Registration No. TCH 124126, heretofore
6 issued to Respondent Socorro Lopez, is revoked.

7 Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a
8 written motion requesting that the Decision be vacated and stating the grounds relied on within
9 seven (7) days after service of the Decision on Respondent. The agency in its discretion may
10 vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

11 This Decision shall become effective on October 26, 2015.

12 It is so ORDERED September 24, 2015.

13 BOARD OF PHARMACY
14 DEPARTMENT OF CONSUMER AFFAIRS
15 STATE OF CALIFORNIA

16 

17
18 By _____

19 Amy Gutierrez, Pharm.D.
20 Board President

21 default decision_LIC.rtf
DOJ Matter ID:LA2014511456

22 Attachment:
23 Exhibit A: Accusation
24
25
26
27
28

Exhibit A

Accusation

(SOCORRO LOPEZ)

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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 **SOCORRO LOPEZ**
13 424 Bradley Ave.
14 Montebello, CA 90640
15 Pharmacy Technician Registration
No. TCH 124126
16 Respondent.

Case No. 5146

ACCUSATION

17 Complainant alleges:

18 **PARTIES**

- 19
- 20 1. Virginia Herold (Complainant) brings this Accusation solely in her official capacity
 - 21 as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs.
 - 22 2. On or about June 19, 2012, the Board of Pharmacy (Board) issued Pharmacy
 - 23 Technician Registration No. TCH 124126 to Socorro Lopez (Respondent). The Pharmacy
 - 24 Technician Registration was in full force and effect at all times relevant to the charges brought
 - 25 herein and will expire on October 31, 2015, unless renewed.

26 **JURISDICTION**

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

1 federal and state laws and regulations governing pharmacy, including regulations established by
2 the board or by any other state or federal regulatory agency.”

3 **COST RECOVERY**

4 8. Section 125.3 states, in pertinent part, that the Board may request the administrative
5 law judge to direct a licentiate found to have committed a violation or violations of the licensing
6 act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the
7 case.

8 **CONTROLLED SUBSTANCE**

9 9. "Methamphetamine," is a Schedule II controlled substance as designated by the
10 Health and Safety Code section 11055, subdivision (d)(2) and is categorized as a dangerous drug
11 pursuant to section 4022.

12 **FIRST CAUSE FOR DISCIPLINE**

13 **(Illegal Possession of a Controlled Substance)**

14 10. Respondent is subject to disciplinary action under section 4301, subdivision (j) for
15 violating section 4060, in that Respondent was found to be in illegal possession of a controlled
16 substance. On or about October 16, 2013, while conducting a patrol check at the Travel Inn,
17 11140 Whittier Blvd., in Whittier, CA, by the Los Angeles County Sheriff's Department,
18 Respondent was contacted. The officer noticed a vehicle (CA License plate 5POL953) parked in
19 a parking stall that had expired registration tags and observed Respondent leaning into the rear
20 drivers seat of the vehicle, while a male was standing next to her. Respondent consented to having
21 her driver's license retrieved from her purse. Inside the purse, the officer found clear baggies
22 containing a white crystal-like substance resembling Methamphetamine. Respondent was advised
23 of her Miranda Rights, indicated she understood her rights, and began speaking to the officer.
24 Respondent admitted that the Methamphetamine was hers and for her own personal use. She was
25 subsequently arrested for violating Health and Safety code section 11377, subdivision (a)
26 [possession of a controlled substance-Methamphetamine].

27 ///

28 ///

