(SOCORRO LOPEZ) DEFAULT DECISION & ORDER

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

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

424 Bradley Ave. Montebello, CA 90640.

- 4. Service of the Accusation was effective as a matter of law under the provisions of Government Code section 11505, subdivision (c) and/or Business & Professions Code section 124.
 - 5. 5.1. Government Code section 11506 states, in pertinent part:
 - (c) The respondent shall be entitled to a hearing on the merits if the respondent files a notice of defense, and the notice shall be deemed a specific denial of all parts of the accusation not expressly admitted. Failure to file a notice of defense shall constitute a waiver of respondent's right to a hearing, but the agency in its discretion may nevertheless grant a hearing.
- 6. Respondent failed to file a Notice of Defense within 15 days after service upon her of the Accusation, and therefore waived her right to a hearing on the merits of Accusation No. 5146.
 - 7. California Government Code section 11520 states, in pertinent part:
 - (a) If the respondent either fails to file a notice of defense or to appear at the 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.

- 8. Pursuant to its authority under Government Code section 11520, the Board finds Respondent is in default. The Board will take action without further hearing and, based on the relevant evidence contained in the Default Decision Evidence Packet in this matter, as well as taking official notice of all the investigatory reports, exhibits and statements contained therein on file at the Board's offices regarding the allegations contained in Accusation No. 5146, finds that the charges and allegations in Accusation No. 5146, are separately and severally, found to be true and correct by clear and convincing evidence.
- 9. Taking official notice of its own internal records, pursuant to Business and Professions Code section 125.3, it is hereby determined that the reasonable costs for Investigation and Enforcement is \$2,175.00 as of August 28, 2015.

DETERMINATION OF ISSUES

- 1. Based on the foregoing findings of fact, Respondent Socorro Lopez has subjected her Pharmacy Technician Registration No. TCH 124126 to discipline.
 - 2. The agency has jurisdiction to adjudicate this case by default.
- 3. The Board of Pharmacy is authorized to revoke Respondent's Pharmacy Technician Registration based upon the following violations alleged in the Accusation which are supported by the evidence contained in the Default Decision Evidence Packet in this case.:

Respondent is subject to disciplinary action under section 4301, subdivision (h) (j) and (o) for violating section 4060, in that Respondent used/was under the influence and was found to be in illegal possession of a controlled substance. On or about October 16, 2013, while conducting a patrol check at the Travel Inn, 11140 Whittier Blvd., in Whittier, CA, by the Los Angeles County Sheriff's Department, Respondent was contacted. The officer noticed a vehicle (CA License plate 5POL953) parked in a parking stall that had expired registration tags and observed Respondent leaning into the rear drivers seat of the vehicle, while a male as standing next to her. Respondent consented to having her driver's license retrieved from her purse. Inside the purse, the officer found clear baggies containing a white crystal-like substance resembling Methamphetamine. Respondent was advised of her Miranda Rights, indicated she understood her rights, and began speaking to the officer. Respondent admitted that the Methamphetamine was

hers and for her own personal use. She was subsequently arrested for violating Health and Safety 1 code section 11377, subdivision (a) [possession of a controlled substance-Methamphetamine]. 2 3 **ORDER** 4 IT IS SO ORDERED that Pharmacy Technician Registration No. TCH 124126, heretofore 5 issued to Respondent Socorro Lopez, is revoked. 6 Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a 7 written motion requesting that the Decision be vacated and stating the grounds relied on within 8 seven (7) days after service of the Decision on Respondent. The agency in its discretion may 9 vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute. 10 This Decision shall become effective on October 26, 2015. 11 It is so ORDERED September 24, 2015. 12 13 BOARD OF PHARMACY DEPARTMENT OF CONSUMER AFFAIRS 14 STATE OF CALIFORNIA 15 16 17 18 By Amy Gutierrez, Pharm.D. 19 **Board President** 20 default decision LIC.rtf 21 DOJ Matter ID: LA2014511456 Attachment: 22 Exhibit A: Accusation 23 24 25 26 27 28

Exhibit A

Accusation

	1							
I	KAMALA D. HARRIS	•						
2	Attorney General of California MARC GREENBAUM							
3	Supervising Deputy Attorney General Christina Thomas							
4	Deputy Attorney General State Bar No. 17168	•						
5	300 So. Spring Street, Suite 1702 Los Angeles, CA 90013 Telephone: (213) 897-2520	1						
6	Telephone: (213) 897-2520 Facsimile: (213) 897-2804							
7	Attorneys for Complainant							
8	BEFORE THE							
9	BOARD OF PHARMACY DEPARTMENT OF CONSUMER AFFAIRS							
10	STATE OF CA	ALIFORNIA						
11	In the Matter of the Accusation Against:	Case No. 5146						
12	SOCORRO LOPEZ							
13	1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	ACCUSATION						
14	1							
15	Pharmacy Technician Registration No. TCH 124126							
16	Respondent.	•						
17								
18	Complainant alleges:							
19	PARTIES							
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	<u>JURISDICTION</u>							
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							

Accusation

STATUTORY PROVISIONS

- 4. Section 4060 provides in pertinent part, that no person shall possess any controlled substance, except that furnished to a person upon the prescription of a physician, dentist, podiatrist, optometrist, veterinarian, or other authorized prescriber.
- 5. Section 4300 provides in pertinent part, that every license issued by the Board is subject to discipline, including suspension or revocation.
 - 5. Section 4300.1 states:

"The expiration, cancellation, forfeiture, or suspension of a board-issued license by operation of law or by order or decision of the board or a court of law, the placement of a license on a retired status, or the voluntary surrender of a license by a licensee shall not deprive the board of jurisdiction to commence or proceed with any investigation of, or action or disciplinary proceeding against, the licensee or to render a decision suspending or revoking the license."

7. Section 4301 states, in pertinent part:

"The board shall take action against any holder of a license who is guilty of unprofessional conduct or whose license has been procured by fraud or misrepresentation or issued by mistake.

Unprofessional conduct shall include, but is not limited to, any of the following:

. . . .

- "(h) The administering to oneself, of any controlled substance, or the use of any dangerous drug or of alcoholic beverages to the extent or in a manner as to be dangerous or injurious to oneself, to a person holding a license under this chapter, or to any other person or to the public, or to the extent that the use impairs the ability of the person to conduct with safety to the public the practice authorized by the license.
- "(j) The violation of any of the statutes of this state, or any other state, or of the United States regulating controlled substances and dangerous drugs.
- "(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

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

COST RECOVERY

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

CONTROLLED SUBSTANCE

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

FIRST CAUSE FOR DISCIPLINE

(Illegal Possession of a Controlled Substance)

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

SECOND CAUSE FOR DISCIPLINE

(Use/Under the Influence of a Controlled Substance)

11. Respondent is subject to disciplinary action under sections 4301, subdivisions (h) and (o), in that on or about October 16, 2013, Respondent used and/or was under the influence of a controlled substance. Complainant refers to, and by this reference incorporates, the allegations set forth above in paragraph 10, as though set forth fully.

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 No. TCH 124126, issued to Socorro Lopez;
- 2. Ordering Socorro Lopez to pay the Board of Pharmacy the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3; and

3.	Taking such other and further	action	\as de	emed	necess	ary and	i propeĝ.
DATED;	7/26/14				X	leu	N
		UKR	GINIA	HER	OLD		
		Exec	cutive	Office	r		
	•	Rogs	rd Λ \ CD	Marma	CV		

Department of Consumer Affairs State of California

Complainant

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