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

In the Matter of the Accusation Against:

Case No. 5431

ALICE ELAIN CARRASCO
1920 Mt. View
Dinuba, CA 93618

DEFAULT DECISION AND ORDER

**Pharmacy Technician Registration No. TCH
75891**

[Gov. Code, §11520]

Respondent.

FINDINGS OF FACT

1. On or about July 7, 2015, Complainant Virginia K. Herold, in her official capacity as the Executive Officer of the Board of Pharmacy ("Board"), Department of Consumer Affairs, filed Accusation No. 5431 against Alice Elain Carrasco (Respondent) before the Board. (Accusation attached as Exhibit A.)

2. On or about June 13, 2007, the Board issued Pharmacy Technician Registration No. TCH 75891 to Respondent. The Pharmacy Technician Registration expired on September 30, 2014, and has not been renewed.

1 3. On or about July 14, 2015, Respondent was served by Certified and First Class Mail
2 copies of the Accusation No. 5431, Statement to Respondent, Notice of Defense, Request for
3 Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6, and 11507.7) at
4 Respondent's address of record which, pursuant to Business and Professions Code ("Code")
5 section 4100, is required to be reported and maintained with the Board. Respondent's address of
6 record was and is:

7 1920 Mt. View
8 Dinuba, CA 93618.

9 4. Service of the Accusation was effective as a matter of law under the provisions of
10 Government Code section 11505, subdivision (c) and/or Business & Professions Code section
11 124.

12 5. On or about July 28, 2015, the aforementioned documents were returned by the U.S.
13 Postal Service marked "Attempted – Not known, unable to forward, return to sender."

14 6. Government Code section 11506 states, in pertinent part:

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

20 7. Respondent failed to file a Notice of Defense within 15 days after service upon her of
21 the Accusation, and therefore waived her right to a hearing on the merits of Accusation No. 5431.

22 8. California Government Code section 11520 states, in pertinent part:

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

27 9. Pursuant to its authority under Government Code section 11520, the Board finds
28 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.5431, finds that

1 the charges and allegations in Accusation No. 5431, are separately and severally, found to be true
2 and correct by clear and convincing evidence.

3 10. Taking official notice of its own internal records, pursuant to Code section 125.3, it is
4 hereby determined that the reasonable costs for Investigation and Enforcement is \$2,343.00 as of
5 November 30, 2015.

6 DETERMINATION OF ISSUES

7 1. Based on the foregoing findings of fact, Respondent Alice Elain Carrasco has
8 subjected her Pharmacy Technician Registration No. TCH 75891 to discipline.

9 2. The agency has jurisdiction to adjudicate this case by default.

10 3. The Board of Pharmacy is authorized to revoke Respondent's Pharmacy Technician
11 Registration based upon the following violations alleged in the Accusation which are supported
12 by the evidence contained in the Default Decision Evidence Packet in this case:

13 a. Respondent is subject to disciplinary action under Code section 4301, subdivision (I),
14 in that she was convicted of the following crimes which are substantially related to the
15 qualifications, functions and duties of a pharmacy technician:

16 i. On or about December 5, 2014, in the case of *People v. Alice Elaine Carrasco*
17 (Super. Ct. Fresno County, Case No. F14901254), Respondent was convicted by the Court on her
18 plea of nolo contendere of violating Vehicle Code section 23152(b) (driving a vehicle with a
19 blood alcohol concentration of .08% or higher), a misdemeanor, and enhancement under Vehicle
20 Code section 23540 for her prior conviction on or about October 7, 2008, for driving under the
21 influence (DUI) of alcohol as set forth in paragraph (e) below. Respondent also stipulated that
22 her blood alcohol concentration was .19%. Respondent was sentenced to three years probation,
23 serve 20 days in jail which may be served in the Adult Offender Work Program, 12 weeks of
24 anger management, 18 month multiple offender alcohol program, fines and restitution, and other
25 terms and conditions. The facts and circumstances of the crime are as follows: On or about
26 January 24, 2014, Officers with the Fresno Police Department were dispatched to a confidential
27 location for a report of a disturbance. Upon arrival, an Officer observed a witness attempting to
28 hold Respondent in the middle of the street. The Officer subsequently detained Respondent for

1 further investigation. The Officer's investigation resulted in finding that Respondent had a prior
2 relationship with the victim, and went to the victim's house on or about January 24, 2014. The
3 victim's girlfriend was at his house at the time and Respondent proceeded to argue with the
4 victim and his girlfriend. Respondent then hit the victim in the face with her closed fists.
5 Respondent later left the scene in her vehicle, however, immediately returned and rammed her
6 vehicle into the victim's vehicle. Respondent then backed up and attempted to strike the victim's
7 girlfriend with her vehicle, and then again rammed her vehicle into the victim's vehicle. When
8 the victim exited the vehicle and attempted to speak with Respondent, she attempted to hit him
9 again. The victim's neighbor observed the altercation, and assisted in keeping Respondent away
10 from the victim until the police officers arrived. The officers investigating at the scene observed
11 that Respondent was extremely intoxicated and difficult to understand. Based on the officer's
12 observations, statements, and physical evidence, Respondent was arrested for assault with a
13 deadly weapon not a firearm, and battery. Another officer subsequently contacted Respondent for
14 a DUI investigation and observed that she displayed objective signs of alcohol intoxication.
15 Respondent admitted to driving her vehicle while under the influence of alcohol, and was arrested
16 for driving under the influence of alcohol. Respondent submitted to a blood test, which returned
17 results of .19% BAC.

18 ii. On or about December 5, 2014, in the case of *People v. Alice Elaine Carrasco*
19 (Super. Ct. Fresno County, Case No. F14906127), Respondent was convicted by the Court on her
20 plea of nolo contendere of violating Penal Code section 459/460(b)(b) (second degree
21 commercial burglary), a misdemeanor¹. The court denied probation and Respondent was
22 sentenced to serve four days in jail, with credit for four days. The facts and circumstances of the
23 crime are as follows: On or about June 4, 2014, an officer with the Fresno Police Department
24 responded to Macy's Department store located in Fresno, California, regarding a report of a
25 suspect in custody for theft. The officer spoke with the Loss Prevention officer, who witnessed
26 Respondent enter the store, select several clothing items, and place them in her large green purse.

27 ¹ Violation of Penal Code section 459/460(b)(b) is a felony. However, the Court reduced
28 to a misdemeanor pursuant to Penal Code section 17.

1 She concealed the items until she exited the store without paying for them. The Loss Prevention
2 Officer stopped Respondent outside the store and made her arrest. When the Fresno Police
3 Officer interviewed Respondent, she admitted that she took the items. Respondent also admitted
4 that she entered the store with the intent to steal clothes, and that she didn't have any money. The
5 Officer checked Respondent's purse and found loose change, but no money or credit cards.
6 Respondent was arrested for commercial burglary.

7 b. Respondent is subject to discipline under Code section 4301, subdivision (h), for
8 unprofessional conduct, in that on or about January 24, 2014, Respondent used alcoholic
9 beverages to an extent or in a manner dangerous or injurious to herself, others, and the public
10 when she operated a vehicle while under the influence of alcohol, as more fully set forth above in
11 paragraph 3(a)(i).

12 c. Respondent is subject to discipline under Code section 4301, subdivision (f), for
13 unprofessional conduct, in that Respondent committed acts involving moral turpitude, dishonesty,
14 fraud, deceit, and/or corruption, as more fully set forth above in paragraph 3(a)(ii).

15 d. Respondent is subject to discipline under Code section 4301, subdivision (o), for
16 unprofessional conduct, in that Respondent violated the laws and regulations governing the laws
17 of pharmacy, as more fully set forth above in paragraph 3(a) through (c), and their subparts.

18 e. As a matter in aggravation, on or about October 7, 2008, in the matter of *People v.*
19 *Alice Elaine Carrasco* (Super. Ct. Fresno County, Case No. M01089192), Respondent was
20 convicted by the Court of violating Vehicle Code section 23152(b) (driving a vehicle with a blood
21 alcohol concentration of .08% or higher), a misdemeanor. The facts and circumstances were that
22 on or about March 8, 2008, Respondent drove a vehicle while having a BAC of .08% or higher.

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ORDER

IT IS SO ORDERED that Pharmacy Technician Registration No. TCH 75891, heretofore issued to Respondent Alice Elain Carrasco, is revoked.

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

This Decision shall become effective on February 19, 2016.

It is so ORDERED January 20, 2016.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA



By

Amy Gutierrez, Pharm.D.
Board President

12055455.DOC
DOJ Matter ID:SA2015103045

Attachment:
Exhibit A: Accusation

Exhibit A

Accusation No. 5431

(ALICE ELAIN CARRASCO)

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Attorneys for Complainant

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

12 In the Matter of the Accusation Against:

Case No. 5431

13 **ALICE ELAIN CARRASCO**
1920 Mt. View
14 Dinuba, CA 93618

ACCUSATION

15 **Pharmacy Technician Registration No. TCH**
16 **75891**

Respondent.

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19 Virginia Herold ("Complainant") alleges:

20 **PARTIES**

21 1. Complainant brings this Accusation solely in her official capacity as the Executive
22 Officer of the Board of Pharmacy ("Board"), Department of Consumer Affairs.

23 2. On or about June 13, 2007, the Board issued Pharmacy Technician Registration
24 Number TCH 75891 to Alice Elain Carrasco ("Respondent"). The Pharmacy Technician
25 Registration expired on September 30, 2014, and was cancelled on January 4, 2015.

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1 subsequently detained Respondent for further investigation. The Officer's investigation resulted
2 in finding that Respondent had a prior relationship with the victim, and went to the victim's house
3 on or about January 24, 2014. The victim's girlfriend was at his house at the time, and
4 Respondent proceeded to argue with the victim and his girlfriend. Respondent then hit the victim
5 in the face with her closed fists. Respondent later left the scene in her vehicle, however
6 immediately returned and rammed her vehicle into the victim's vehicle. Respondent then backed
7 up and attempted to strike the victim's girlfriend with her vehicle, and then again rammed her
8 vehicle into the victim's vehicle. When the victim exited his vehicle and attempted to speak with
9 Respondent, she attempted to hit him again. The victim's neighbor observed the altercation, and
10 assisted in keeping Respondent away from the victim until the Police Officers arrived. The
11 Officers investigating at the scene observed that Respondent was extremely intoxicated and
12 difficult to understand. Based on the officer's observations, statements, and physical evidence,
13 Respondent was arrested for Assault with a deadly weapon not a firearm and battery. Another
14 Officer subsequently contacted Respondent for a DUI investigation and observed that she
15 displayed objective symptoms of alcohol intoxication. Respondent admitted to driving her
16 vehicle while under the influence of alcohol, and was arrested for driving under the influence of
17 alcohol. Respondent submitted to a blood test, which returned results of .19% BAC.

18 b. On or about December 5, 2014, in the case of *People v. Alice Elaine Carrasco*,
19 (Super. Ct. Fresno County, Case No. F14906127), Respondent was convicted by the Court on her
20 plea of nolo contendere of violating Penal Code section 459/460(b)(b) (second degree commercial
21 burglary), a misdemeanor¹. The Court denied probation and Respondent was sentenced to serve
22 four days in jail, with credit for four days. The facts and circumstances of the crime are as
23 follows:

24 i. On or about June 4, 2014, an Officer with the Fresno Police Department
25 responded to Macy's Department Store located in Fresno, California, regarding a report of a
26 suspect in custody for theft. The Officer spoke with the Loss Prevention officer, who witnessed

27 ¹ Violation of Penal Code section 459/460(b)(b) is a felony. However, the Court reduced
28 to a misdemeanor pursuant to Penal Code section 17.

1 Respondent enter the store, select several clothing items, and place them in her large green purse.
2 She concealed the items until she exited the store without paying for them. The Loss Prevention
3 Officer stopped Respondent outside the store and made her arrest. When the Fresno Police
4 Officer interviewed Respondent, she admitted that she took the items. Respondent also admitted
5 that she entered the store with the intent to steal clothes, and that she didn't have any money. The
6 Officer checked Respondent's purse and found loose change, but no money or credit cards.
7 Respondent was arrested for commercial burglary.

8 SECOND CAUSE FOR DISCIPLINE

9 (Dangerous Use of Alcohol)

10 9. Respondent is subject to discipline under Code section 4301, subdivision (h), for
11 unprofessional conduct, in that on or about January 24, 2014, Respondent used alcoholic
12 beverages to an extent or in a manner dangerous or injurious to herself, others, and the public
13 when she operated a vehicle while under the influence of alcohol, as more fully set forth above in
14 paragraph 8, subpart (a).

15 THIRD CAUSE FOR DISCIPLINE

16 (Acts Involving Moral Turpitude, Dishonesty, Fraud, Deceit and/or Corruption)

17 10. Respondent is subject to discipline under Code section 4301, subdivision (f), for
18 unprofessional conduct, in that Respondent committed acts involving moral turpitude, dishonesty,
19 fraud, deceit, and/or corruption, as more fully set forth above in paragraph 8, subpart (b).

20 FOURTH CAUSE FOR DISCIPLINE

21 (Violating laws of pharmacy)

22 11. Respondent is subject to discipline under Code section 4301, subdivision (o), for
23 unprofessional conduct, in that Respondent violated the laws and regulations governing
24 pharmacy, as more fully set forth above in paragraphs 8 through 10, and their subparts.

25 MATTERS IN AGGRAVATION

26 12. To determine the degree of discipline to be imposed on Respondent, Complainant
27 alleges that on or about October 7, 2008, in the matter of *People v. Alice Elaine Carrasco*, (Super.
28 Ct. Fresno County, Case No. M01089192), Respondent was convicted by the court of violating

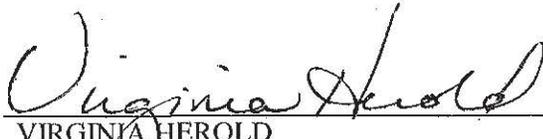
1 Vehicle Code section 23152, subdivision (b) (driving a vehicle with a blood alcohol concentration
2 of .08% or higher), a misdemeanor. The facts and circumstances were that on or about March 8,
3 2008, Respondent drove a vehicle while having a BAC of .08 % or higher.

4 **PRAYER**

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

- 7 1. Revoking or suspending Pharmacy Technician Registration Number TCH 75891,
8 issued to Alice Elain Carrasco;
- 9 2. Ordering Alice Elain Carrasco to pay the Board of Pharmacy the reasonable costs of
10 the investigation and enforcement of this case, pursuant to Business and Professions Code section
11 125.3;
- 12 3. Taking such other and further action as deemed necessary and proper.

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16 DATED: 7/7/15



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

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