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

In the Matter of the Accusation Against:

**LYDIA ANN CASAREZ
3934 Arden Dr. N.
Fresno, CA 93703**

**Pharmacy Technician Registration No.
93912**

Respondent.

Case No. 6014

DEFAULT DECISION AND ORDER

[Gov. Code, §11520]

FINDINGS OF FACT

1. On or about May 11, 2017, Complainant Virginia Herold, in her official capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs, filed Accusation No. 6014 against Lydia Ann Casarez (Respondent) before the Board of Pharmacy. (Accusation attached as Exhibit A.)

2. On or about May 4, 2010, the Board of Pharmacy (Board) issued Pharmacy Technician Registration No. 93912 to Respondent. The Pharmacy Technician Registration was in full force and effect at all times relevant to the charges brought in Accusation No. 6014 and will expire on November 30, 2017, unless renewed.

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1 the charges and allegations in Accusation No. 6014, are separately and severally, found to be true
2 and correct by clear and convincing evidence.

3 9. Taking official notice of its own internal records, pursuant to Business and
4 Professions Code section 125.3, it is hereby determined that the reasonable costs for Investigation
5 and Enforcement is \$318.50 for the Board's investigative costs and \$1,722.50 for costs incurred
6 through the Office of the Attorney General as of September 20, 2017 for a total of \$2,041.00.

7 DETERMINATION OF ISSUES

8 1. Based on the foregoing findings of fact, Respondent Lydia Ann Casarez has subjected
9 her Pharmacy Technician Registration No. 93912 to discipline.

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

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

14 a. Respondent is subject to discipline pursuant to Code section 4301(i), on the grounds
15 of unprofessional conduct, in that on or about September 27, 2016, in the case of *People v. Lydia*
16 *Ann Casarez*, (Super. Ct. Fresno County, 2016, Case No. M16926472), Respondent was
17 convicted by the Court on her plea of nolo contendere of violating Vehicle Code section 23152(b)
18 (driving with a blood alcohol level of .08% or higher), a misdemeanor, with a prior conviction of
19 the same on June 3, 2013, and an enhancement of Vehicle Code section 23578 (having a blood
20 alcohol level of .15% or higher). The circumstances of the crime were that on or about July 2,
21 2016, Respondent drove a vehicle while having a blood alcohol level of 0.19% and was swerving
22 in her lane, crossing the fog line and onto the shoulder. The crime is substantially related to the
23 qualifications, functions, or duties of a pharmacy technician.

24 b. Respondent is subject to discipline pursuant to Code section 4301(h), on the grounds
25 of unprofessional conduct, in that Respondent consumed alcohol to the extent or in a manner as to
26 be dangerous or injurious to oneself and to the public, in that on or about July 2, 2016,
27 Respondent drove a vehicle with a blood alcohol level of .19%.

28 ///

1 c. Respondent is subject to discipline pursuant to Code section 4301(k), on the grounds
2 of unprofessional conduct, in that Respondent has been convicted of more than one misdemeanor
3 involving the use, consumption, and self-administration of alcohol.

4 ORDER

5 IT IS SO ORDERED that Pharmacy Technician Registration No. 93912, heretofore issued
6 to Respondent Lydia Ann Casarez, 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 at 5:00 p.m. on December 6, 2017.

12 It is so ORDERED on November 6, 2017.

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

17 

18
19 By _____

Amy Gutierrez, Pharm.D.
Board President

20
21 12775908.DOCX
DOJ Matter ID:SA2016104488

22 Attachment:
23 Exhibit A: Accusation

Exhibit A

Accusation

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2 JANICE K. LACHMAN
Supervising Deputy Attorney General
3 LORRIE M. YOST
Deputy Attorney General
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5 P.O. Box 944255
Sacramento, CA 94244-2550
6 Telephone: (916) 445-2271
Facsimile: (916) 327-8643
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:

Case No. 6014

12 **LYDIA ANN CASAREZ**
13 **3934 Arden Dr. N.**
Fresno, CA 93703

ACCUSATION

14 **Pharmacy Technician Registration No.**
15 **TCH 93912**

16 Respondent.

17
18 Virginia Herold ("Complainant") alleges:

19 **PARTIES**

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

22 2. On or about May 4, 2010, the Board issued Pharmacy Technician Registration
23 Number TCH 93912 to Lydia Ann Casarez ("Respondent"). The license was in full force and
24 effect at all times relevant to the charges brought herein and will expire on November 30, 2017,
25 unless renewed.

26 **JURISDICTION**

27 3. Business and Professions Code ("Code") section 4300 provides, in pertinent part, that
28 every license issued by the Board is subject to discipline, including suspension or revocation.

1 4. Code section 4300.1 states:

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

8 **STATUTORY PROVISIONS**

9 5. Code section 4301 states, in pertinent part:

10 The board shall take action against any holder of a license who is guilty of
11 unprofessional conduct or whose license has been issued by mistake. Unprofessional
12 conduct shall include, but is not limited to, any of the following:

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

18 (k) The conviction of more than one misdemeanor or any felony involving the
19 use, consumption, or self administration of any dangerous drug or alcoholic beverage,
20 or any combination of those substances.

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

COST RECOVERY

6. Code section 125.3 provides, 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

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 Crime)**

5 7. Respondent is subject to discipline pursuant to Code section 4301(l), on the grounds
6 of unprofessional conduct, in that on or about September 27, 2016, in the case of *People v. Lydia*
7 *Ann Casarez*, (Super. Ct. Fresno County, 2016, Case No. M16926472), Respondent was
8 convicted by the Court on her plea of nolo contendere of violating Vehicle Code section 23152(b)
9 (driving with a blood alcohol level of .08% or higher), a misdemeanor, with a prior conviction of
10 the same on June 3, 2013, as set forth below in paragraph 10, and an enhancement of Vehicle
11 Code section 23578 (having a blood alcohol level of .15% or higher). The circumstances of the
12 crime were that on or about July 2, 2016, Respondent drove a vehicle while having a blood
13 alcohol level of 0.19% and was swerving in her lane, crossing the fog line and onto the shoulder.
14 The crime is substantially related to the qualifications, functions, or duties of a pharmacy
15 technician.

16 **SECOND CAUSE FOR DISCIPLINE**

17 **(Dangerous Use of Alcohol)**

18 8. Respondent is subject to discipline pursuant to Code section 4301(h), on the grounds
19 of unprofessional conduct, in that Respondent consumed alcohol to the extent or in a manner as to
20 be dangerous or injurious to oneself and to the public, in that on or about July 2, 2016,
21 Respondent drove a vehicle with a blood alcohol level of .19%, as more particularly set forth
22 above in paragraph 7.

23 **THIRD CAUSE FOR DISCIPLINE**

24 **(Convictions Involving the Use of Alcohol)**

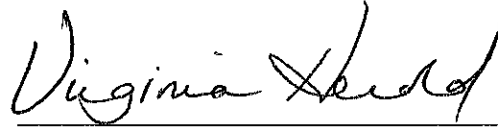
25 9. Respondent is subject to discipline pursuant to Code section 4301(k), on the grounds
26 of unprofessional conduct, in that Respondent has been convicted of more than one misdemeanor
27 involving the use, consumption, and self administration of alcoholic, as more particularly set forth
28 above in paragraph 7 and below in paragraph 10.

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

DATED:

5/11/17



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

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