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

10  
11 In the Matter of the Accusation Against:  
12 **PABLO ESPINOZA**  
1211 Schick Ave.  
13 Los Angeles, CA 90063  
14 Pharmacy Technician License No. TCH 71053  
15 Respondent.

Case No. 3696

**ACCUSATION**

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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 (Board).  
22 2. On or about August 9, 2006, the Board issued Pharmacy Technician License No.  
23 TCH 71053 to Pablo Espinoza (Respondent). The Pharmacy Technician Registration was in full  
24 force and effect at all times relevant to the charges brought herein and will expire on July 31,  
25 2012, 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 **REGULATORY PROVISIONS**

2 8. California Code of Regulations, title 16, section 1770, states:

3 "For the purpose of denial, suspension, or revocation of a personal or facility license  
4 pursuant to Division 1.5 (commencing with Section 475) of the Business and Professions Code, a  
5 crime or act shall be considered substantially related to the qualifications, functions or duties of a  
6 licensee or registrant if to a substantial degree it evidences present or potential unfitness of a  
7 licensee or registrant to perform the functions authorized by his license or registration in a manner  
8 consistent with the public health, safety, or welfare."

9 **COST RECOVERY**

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

14 **FIRST CAUSE FOR DISCIPLINE**

15 **(Conviction of Substantially Related Crime)**

16 10. Respondent is subject to disciplinary action under sections 490, 4300, 4301,  
17 subdivision (l), in conjunction with California Code of Regulations, title 16, section 1770, on the  
18 grounds of unprofessional conduct, in that on or about January 27, 2010, Respondent was  
19 convicted of a crime substantially related to the qualifications, functions or duties of a registered  
20 pharmacy technician, as follows:

21 a. On or about January 27, 2010, after pleading nolo contendere and admitting to  
22 violating Vehicle Code section 23578 [refusal to take chemical test], Respondent was convicted  
23 of one felony count of violating Vehicle Code section 23153(a) [driving under the influence and  
24 causing bodily injury to another] in the criminal proceeding entitled *The People of the State of*  
25 *California v. Pablo Espinoza* (Super. Ct. Los Angeles County, 2009, No. KA087786). The  
26 Court sentenced Respondent to 365 days in jail, placed him on five (5) years probation, ordered  
27 him to complete a six (6) month alcohol program, ordered him to complete the Hospital and

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1 Morgue Program, ordered him to complete the Mothers Against Drug Drivers (MADD) program,  
2 and ordered him to submit electronic monitoring.

3 b. The circumstances underlying the conviction are that on or about June 13, 2009,  
4 Respondent drove his vehicle while intoxicated with a 0.20% blood alcohol and rear ended  
5 another vehicle causing physical injuries to three passengers. Further, Respondent fled the scene  
6 after the vehicle collision.

7 **SECOND CAUSE FOR DISCIPLINE**

8 **(Alcohol Related Conviction)**

9 11. Respondent is subject to disciplinary action under sections 4300 and 4301,  
10 subdivision (k), on the grounds of unprofessional conduct, in that on or about January 27, 2010,  
11 Respondent sustained a felony conviction involving the use, consumption, or self-administration  
12 of alcoholic beverages. Complainant refers to and by this reference incorporates the allegations  
13 set forth above in paragraph 10, subparagraphs a and b, inclusive, as though set forth fully.

14 **THIRD CAUSE FOR DISCIPLINE**

15 **(Dangerous Use of Alcohol)**

16 12. Respondent is subject to disciplinary action under sections 4300 and 4301,  
17 subdivision (h), on the grounds of unprofessional conduct, in that Respondent administered to  
18 himself and / or used alcoholic beverages to the extent or in a manner as to be dangerous or  
19 injurious to himself or others. Complainant refers to and by this reference incorporates the  
20 allegations set forth above in paragraphs 10 and 11, inclusive, as though set forth fully.

21 **PRAYER**

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

24 1. Revoking or suspending Pharmacy Technician License No. TCH 71053, issued to  
25 Pablo Espinoza;

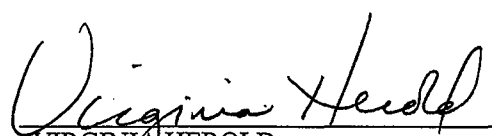
26 2. Ordering Pablo Espinoza to pay the Board of Pharmacy the reasonable costs of the  
27 investigation and enforcement of this case, pursuant to section 125.3; and

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

DATED: 10/28/11



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

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