

1 KAMALA D. HARRIS
Attorney General of California
2 JANICE K. LACHMAN
Supervising Deputy Attorney General
3 ANAHITA S. CRAWFORD
Deputy Attorney General
4 State Bar No. 209545
1300 I Street, Suite 125
5 P.O. Box 944255
Sacramento, CA 94244-2550
6 Telephone: (916) 322-8311
Facsimile: (916) 327-8643
7 *Attorneys for Complainant*

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

12 In the Matter of the Accusation Against:

Case No. 3778

13 **SALMA CHRISTINE URIBE**
14 **aka SELMA SOTO**
1109 1/2 Columbia Street
Madera, Ca 93638

ACCUSATION

15 Pharmacy Technician Registration Number
16 TCH 56000

17 Respondent.

18
19 Complainant alleges:

20 **PARTIES**

- 21 1. Virginia Herold (Complainant) brings this Accusation solely in her official capacity
22 as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs.
- 23 2. On or about May 19, 2004, the Board of Pharmacy issued Pharmacy Technician
24 Registration Number TCH 56000 to Salma Christine Uribe, aka Selma Soto (Respondent). The
25 Pharmacy Technician Registration was in full force and effect at all times relevant to the charges
26 brought herein and will expire on December 31, 2011, unless renewed.

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1 **JURISDICTION**

2 3. This Accusation is brought before the Board of Pharmacy (Board), Department of
3 Consumer Affairs, under the authority of the following laws. All section references are to the
4 Business and Professions Code unless otherwise indicated.

5 4. Section 4300 of the Code states, in part:

6 (a) Every license issued may be suspended or revoked.

7 (b) The board shall discipline the holder of any license issued by the board,
8 whose default has been entered or whose case has been heard by the board and found
9 guilty, by any of the following methods:

10 (1) Suspending judgment.

11 (2) Placing him or her upon probation.

12 (3) Suspending his or her right to practice for a period not exceeding one year.

13 (4) Revoking his or her license.

14 (5) Taking any other action in relation to disciplining him or her as the board in
15 its discretion may deem proper.

16 ...

17 5. Section 118, subdivision (b), of the Code provides that the expiration of a license
18 shall not deprive the Board of jurisdiction to proceed with a disciplinary action during the period
19 within which the license may be renewed, restored, reissued or reinstated.

20 **STATUTORY PROVISIONS**

21 6. Section 4301 of the Code states:

22 The board shall take action against any holder of a license who is guilty of
23 unprofessional conduct or whose license has been procured by fraud or
24 misrepresentation or issued by mistake. Unprofessional conduct shall include, but is
25 not limited to, any of the following:

26 ...

27 (f) The commission of any act involving moral turpitude, dishonesty, fraud,
28 deceit, or corruption, whether the act is committed in the course of relations as a
licensee or otherwise, and whether the act is a felony or misdemeanor or not.

...

(l) The conviction of a crime substantially related to the qualifications,
functions, and duties of a licensee under this chapter. The record of conviction of a
violation of Chapter 13 (commencing with Section 801) of Title 21 of the United

1 States Code regulating controlled substances or of a violation of the statutes of this
2 state regulating controlled substances or dangerous drugs shall be conclusive
3 evidence of unprofessional conduct. In all other cases, the record of conviction shall
4 be conclusive evidence only of the fact that the conviction occurred. The board may
5 inquire into the circumstances surrounding the commission of the crime, in order to
6 fix the degree of discipline or, in the case of a conviction not involving controlled
7 substances or dangerous drugs, to determine if the conviction is of an offense
8 substantially related to the qualifications, functions, and duties of a licensee under this
9 chapter. A plea or verdict of guilty or a conviction following a plea of nolo
10 contendere is deemed to be a conviction within the meaning of this provision. The
11 board may take action when the time for appeal has elapsed, or the judgment of
12 conviction has been affirmed on appeal or when an order granting probation is made
13 suspending the imposition of sentence, irrespective of a subsequent order under
14 Section 1203.4 of the Penal Code allowing the person to withdraw his or her plea of
15 guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or
16 dismissing the accusation, information, or indictment.

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

(p) Actions or conduct that would have warranted denial of a license.

7. Section 480 of the Code states, in part:

(a) A board may deny a license regulated by this code on the grounds that the applicant has one of the following:

(1) Been convicted of a crime. A conviction within the meaning of this section means a plea or verdict of guilty or a conviction following a plea of nolo contendere. Any action that a board is permitted to take following the establishment of a conviction may be taken 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 the provisions of Section 1203.4 of the Penal Code.

(2) Done any act involving dishonesty, fraud, or deceit with the intent to substantially benefit himself or herself or another, or substantially injure another.

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

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

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1 **COST RECOVERY**

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

6 **FIRST CAUSE FOR DISCIPLINE**

7 **(Criminal Convictions)**

8 10. Respondent is subject to discipline pursuant to Code section 4301, subdivision (l), in
9 that Respondent has been convicted of the following crimes which are substantially related to the
10 qualifications, functions and duties of a pharmacy technician:

11 a) On or about May 23, 2006, Madera Police Department responded to a report of a
12 subject drinking in a park. Respondent was found in possession of a cold can of beer.
13 Respondent apologized for drinking in the park and was issued a citation. On or about August 11,
14 2006, in the criminal case of *People vs. Salma Christine Uribe*, Case Number MCR025597
15 (Madera County Superior Court (2006)), Respondent was convicted on her plea of guilty to
16 violating Madera Municipal Code section 4-2.02(a) (drinking in public), an infraction.
17 Respondent was ordered to pay a fine.

18 b) On or about June 20, 2007, in the criminal case of *People vs. Salma Christine*
19 *Uribe*, Case Number MCR028827 (Madera County Superior Court (2006)), Respondent was
20 convicted on her plea of guilty to violating Madera Municipal Code section 4-14.02(a)(2)
21 (camping on private property), a misdemeanor. She was sentenced to time served and a fine.

22 c) On or about June 1, 2007, Madera Police Department responded to a report of a
23 dumpster on fire. Officers contacted Respondent who spontaneously said "Ok I started the fire
24 and threw my matches in the dumpster." Respondent was arrested. On or about January 7, 2008,
25 in the criminal case of *People vs. Salma Christine Uribe*, Case Number MCR030107 (Madera
26 County Superior Court (2007)), Respondent was convicted on her plea of guilty to violating Penal
27 Code section 451, subdivision (d) (arson: property), a felony. Respondent was granted five years
28 of formal probation.

1 d) On or about June 14, 2007, Madera County Sheriff's Department responded to a
2 vandalism report. The reporting party stated that a person, later identified as Respondent, had
3 thrown a brick through their window and damaged their car. Respondent stated "Yes I broke it
4 now take me to jail." Respondent was arrested. On or about June 20, 2007, in the criminal case
5 of *People vs. Salma Christine Uribe*, Case Number MCR028909 (Madera County Superior Court
6 (2007)), Respondent was convicted on her plea of guilty to violating Penal Code section 594,
7 subdivision (a) (vandalism), a misdemeanor. Respondent was granted three years of bench
8 probation, sentenced to time served and fined.

9 i. On or about September 7, 2007, Respondent was found to be in violation of
10 her probation due to a subsequent arrest.

11 ii. On or about February 1, 2008, Respondent was found to be in violation of
12 her probation due to a subsequent arrest.

13 e) On or about July 21, 2007, Fresno Police Department responded to a business
14 reporting a female with a pocket knife. Officers arrested Respondent for possessing a pocket
15 knife, wielding it in the air and stating to an employee in the store: "I'm gonna kill you
16 bitch...you don't know what I'll do to you." On or about July 31, 2007, in the criminal case of
17 *People vs. Salma Christine Uribe*, Case Number F07905687 (Fresno County Superior Court
18 (2006)), Respondent was convicted on her plea of nolo contendere to violating Penal Code
19 section 422 (criminal threats), a misdemeanor. Respondent was granted two years of conditional
20 probation, sentenced to 20 days jail and fined.

21 f) On or about August 15, 2007, Madera Police Department responded to a report
22 of criminal threat. The victim identified Respondent and stated that while he was asleep in his
23 car, Respondent approached his car holding a knife. Respondent stated to the victim, "If I don't
24 kill you, Javier would." Respondent was located at a park where she was known to officers to
25 frequent, and was arrested. She apologized for brandishing the weapon at the victim and stated
26 that she was going to go to prison for murder. On or about September 24, 2007, in the criminal
27 case of *People vs. Salma Christine Uribe*, Case Number MCR029395 (Madera County Superior
28 Court (2007)), Respondent was convicted on her plea of nolo contendere to violating Penal Code

1 section 417, subdivision (a)(1) (exhibit deadly weapon: not a firearm), a misdemeanor.

2 Respondent was granted three years of conditional probation, sentenced to time served, required
3 to complete a 45 day jail work program and fined.

4 g) On or about September 15, 2007, Madera Police Department responded to a
5 business on a report that a female was naked in the store. The reporting party identified
6 Respondent as the female, and stated that Respondent came into the store, took off her clothes
7 and asked all of the customers "You want some of this?" while pointing at her groin area. On or
8 about April 6, 2009, in the criminal case of *People vs. Salma Christine Uribe*, Case Number
9 MCR031393 (Madera County Superior Court (2008)), Respondent was convicted on her plea of
10 nolo contendere to violating Penal Code section 647, subdivision (a) (disorderly conduct: solicit
11 lewd act), a misdemeanor.

12 h) On or about September 22, 2007, Madera Police Department responded to a
13 report of theft of personal property. A witness stated that she observed Respondent go through
14 items in the bed of a truck, take a jacket from the truck, put it on, and walk away. Respondent
15 was arrested, at which time she became hysterical, accused officers of raping her and for arresting
16 her without any reason. On or about February 1, 2008, in the criminal case of *People vs. Salma
17 Christine Uribe*, Case Number MCR029763 (Madera County Superior Court (2007)), Respondent
18 was convicted on her plea of guilty to violating Penal Code section 488 (petty theft), a
19 misdemeanor. Respondent was granted three years of formal probation, sentenced to time served
20 and fined.

21 SECOND CAUSE FOR DISCIPLINE

22 (Dishonest Acts)

23 11. Respondent is subject to disciplinary action under section 4301, subdivision (f) in that
24 Respondent committed an act of dishonesty, fraud, deceit or corruption when she stole personal
25 items from a car, as fully set forth in paragraph 10 (h) above.

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THIRD CAUSE FOR DISCIPLINE

(Acts Constituting Denial of License)

12. Respondent is subject to disciplinary action under section 4301, subdivision (p) in that Respondent committed acts that would have warranted a denial of her license pursuant to Code section 480, subdivisions (a)(1) (conviction of crime) and (a)(2) (dishonest acts) as fully set forth in paragraph 10-11, above.

FOURTH CAUSE FOR DISCIPLINE

(Violations of Pharmacy Laws)

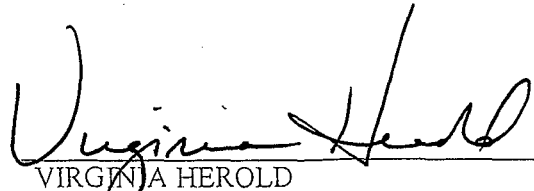
13. Respondent is subject to disciplinary action under section 4301, subdivision (o) in that Respondent violated section 4301, subdivisions (f), (l), and (p) of the pharmacy laws as fully set forth in paragraphs 10-12, above.

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 Number TCH 56000, issued to Salma Christine Uribe, aka Selma Soto.
2. Ordering to Salma Christine Uribe, aka Selma Soto 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;
3. Taking such other and further action as deemed necessary and proper.

DATED: 1/27/11



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

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