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

11 In the Matter of the Accusation Against:

Case No. 4329

12 **DANIELLE W. JUAREZ-WALKER**  
13 **9308 Mirandy Drive**  
**Sacramento, CA 95826**

**A C C U S A T I O N**

14 **Pharmacy Technician License No. TCH**  
15 **109094**

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 December 10, 2010, the Board of Pharmacy issued Pharmacy Technician  
23 License No. TCH 109094 to Danielle W. Juarez-Walker (Respondent). The Pharmacy  
24 Technician License was in full force and effect at all times relevant to the charges brought herein  
25 and will expire on July 31, 2012, unless renewed.///

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1 (d) The board may initiate disciplinary proceedings to revoke or suspend any probationary  
2 certificate of licensure for any violation of the terms and conditions of probation. Upon  
3 satisfactory completion of probation, the board shall convert the probationary certificate to a  
4 regular certificate, free of conditions.

5 (e) The proceedings under this article shall be conducted in accordance with Chapter 5  
6 (commencing with Section 11500) of Part 1 of Division 3 of the Government Code, and the board  
7 shall have all the powers granted therein. The action shall be final, except that the propriety of  
8 the action is subject to review by the superior court pursuant to Section 1094.5 of the Code of  
9 Civil Procedure."

10 5. Section 4301 of the Code states, in pertinent part, that:

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

14 . . .

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

18 . . .

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

24 . . .

25 (l) The conviction of a crime substantially related to the qualifications, functions, and duties  
26 of a licensee under this chapter. The record of conviction of a violation of Chapter 13  
27 (commencing with Section 801) of Title 21 of the United States Code regulating controlled  
28 substances or of a violation of the statutes of this state regulating controlled substances or

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

14 . . .”.

15 6. Section 118, subdivision (b), of the Code provides that the  
16 suspension/expiration/surrender/cancellation of a license shall not deprive the  
17 Board/Registrar/Director of jurisdiction to proceed with a disciplinary action during the period  
18 within which the license may be renewed, restored, reissued or reinstated.

19 7. Section 125.3 of the Code provides, in pertinent part, that the  
20 Board/Registrar/Director may request the administrative law judge to direct a licensee found to  
21 have committed a violation or violations of the licensing act to pay a sum not to exceed the  
22 reasonable costs of the investigation and enforcement of the case.

23 FIRST CAUSE FOR DISCIPLINE

24 (Unprofessional Conduct-Criminal Conviction)

25 8. Respondent is subject to disciplinary action under Code section 4301, subdivision (l),  
26 in that on or about February 2, 2012, Respondent was convicted by her plea of no contest to  
27 violation of Vehicle Code section 23152(b), a misdemeanor, in *People v. Danielle Juarez-Walker*,  
28 Contra Costa County Superior Court Case No. 308342-5. The circumstances were that on or

1 about June 11, 2011, Respondent was driving her 2010 Nissan SUV with a passenger when  
2 Respondent was stopped by police who were investigating a hit and run collision involving a  
3 motor vehicle matching the description of Respondent's motor vehicle. Peace officers detected a  
4 strong odor of alcoholic beverage emanating from Respondent, who was arrested from driving  
5 under the influence. Breath tests results for Respondent were .19 and .18. The police investigation  
6 showed that shortly before Respondent was arrested, Respondent caused her 2010 Nissan SUV to  
7 strike another motor vehicle on the highway, and then fled the scene of the accident by  
8 deliberately failing to meet the driver of the other vehicle as Respondent had agreed to do.

9 SECOND CAUSE FOR DISCIPLINE

10 (Unprofessional Conduct-Acts of Moral Turpitude, Dishonesty or Corruption)

11 9. Respondent is subject to disciplinary action under Code section 4301, subdivision (f),  
12 based upon the acts and omissions set forth in Paragraph 8 above. Respondent's acts of causing  
13 her motor vehicle to collide with another motor vehicle, and then fleeing the scene of the accident  
14 as alleged, were and are acts of moral turpitude, dishonesty or corruption.

15 THIRD CAUSE FOR DISCIPLINE

16 (Unprofessional Conduct-Use of Alcoholic Beverages)

17 10. Respondent is subject to disciplinary action under Code section 4301, subdivision (h),  
18 based upon the acts and omissions set forth in Paragraph 8 above. Respondent used alcoholic  
19 beverage to the extent or in a manner as to be dangerous herself, or to any other person or to the  
20 public, or to the extent that the use impairs the ability of the person to conduct with safety to the  
21 public the practice authorized by the license.

22 PRAYER

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

25 1. Revoking or suspending Pharmacy Technician License Number TCH 109094, issued  
26 to Respondent Danielle W. Juarez-Walker;

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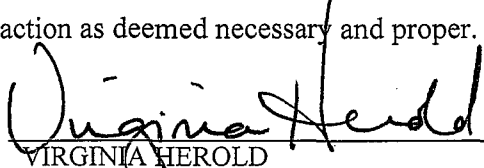
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2. Ordering Respondent Danielle W. Juarez-Walker to pay the Board of Pharmacy the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3; and

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

DATED: 7/19/12



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

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accusation.rtf