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

12 In the Matter of the Accusation Against:

Case No. 4765

13 **ANA J. ESTRADA**
3029 E. Illinois Ave.
14 Fresno, CA 93701

A C C U S A T I O N

15 **Pharmacy Technician Registration No.**
16 **59881**

17 Respondent.

18
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, Department of Consumer Affairs.

23 2. On or about August 5, 2005, the Board of Pharmacy issued Pharmacy Technician
24 Registration Number 59881 to Ana J. Estrada ("Respondent"). The Pharmacy Technician
25 Registration was in full force and effect at all times relevant to the charges brought herein and will
26 expire on July 31, 2015, 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. Code section 4300 states, in pertinent part, that every license issued may be suspended
6 or revoked.

7 5. Code section 4300.1 states:

8 "The expiration, cancellation, forfeiture, or suspension of a board-issued license by operation
9 of law or by order or decision of the board or a court of law, the placement of a license on a
10 retired status, or the voluntary surrender of a license by a licensee shall not deprive the board of
11 jurisdiction to commence or proceed with any investigation of, or action or disciplinary proceeding
12 against, the licensee or to render a decision suspending or revoking the license."

13 **STATUTORY PROVISIONS**

14 6. Code section 4301 states, in pertinent part:

15 "The board shall take action against any holder of a license who is guilty of unprofessional
16 conduct. Unprofessional conduct shall include, but is not limited to, any of the following:

17 ...

18 (h) The use of alcoholic beverages to the extent or in a manner as to be dangerous or
19 injurious to oneself, or to any other person or to the public, or to the extent that the use impairs
20 the ability of the person to conduct with safety to the public the practice authorized by the license.

21 ...

22 "(k) The conviction of more than one misdemeanor or any felony involving the use,
23 consumption, or self-administration of any dangerous drug or alcoholic beverage, or any
24 combination of those substances."

25 (l) The conviction of a crime substantially related to the qualifications, functions, and duties
26 of a licensee under this chapter.

27 ...

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1 identified as Respondent. The officer could smell the odor of alcohol emitting from the vehicle
2 and from Respondent. Respondent admitted to the officer to drinking several alcoholic beverages.
3 A series of field sobriety tests were administered which Respondent did not complete as
4 demonstrated. Her Blood Alcohol Content (BAC) was recorded variously within fifteen minutes
5 as .158%, .168%, and .13%.

6 **SECOND CAUSE FOR DISCIPLINE**

7 **(Dangerous Use of Alcohol)**

8 10. Respondent is subject to discipline under Code section 4301, subdivision (h), for
9 unprofessional conduct, in that on or about September 25, 2011, Respondent used alcoholic
10 beverages to an extent or in a manner dangerous or injurious to herself and the public when she
11 operated a vehicle while under the influence of alcohol, as more fully set forth above in paragraphs
12 8 and 9.

13 **THIRD CAUSE FOR DISCIPLINE**

14 **(Conviction of More than One Misdemeanor Involving Use of Alcoholic Beverages)**

15 11. Respondent is subject to disciplinary action under section 4301, subdivision (k), for
16 unprofessional conduct, in that on or about April 7, 2009 and December 19, 2011, Respondent
17 was convicted of misdemeanor violations of Vehicle Code section 23152, subdivision (b), as more
18 fully set forth above in paragraphs 8 and 9.

19 **FOURTH CAUSE FOR DISCIPLINE**

20 **(Violating laws of pharmacy)**

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

24 **DISCIPLINE CONSIDERATIONS**

25 13. To determine the degree of discipline to be imposed on Respondent, Complainant
26 alleges that effective on or about December 10, 2010, in a prior action, the Board of Pharmacy
27 issued Citation Number CI 2008 39499, based on Respondent's conviction on April 7, 2009, in the
28 matter of *People v. Ana Jael Estrada* (Superior Court, San Luis Obispo County Case No.

1 M000430260), of violation of Vehicle Code 23152, subdivision (b) (DUI with 0.08% or higher
2 BAC), a misdemeanor.

3 **PRAYER**

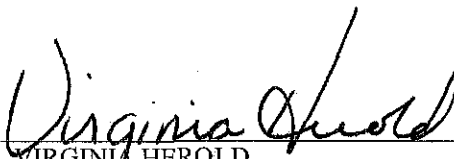
4 **WHEREFORE**, Complainant requests that a hearing be held on the matters herein alleged,
5 and that following the hearing, the Board of Pharmacy issue a decision:

6 1. Revoking or suspending Pharmacy Technician Registration Number 59881, issued to
7 Ana J. Estrada.;

8 2. Ordering Ana J. Estrada to pay the Board of Pharmacy the reasonable costs of the
9 investigation and enforcement of this case, pursuant to Business and Professions Code section
10 125.3;

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

12
13
14 DATED: 10/21/13


15 VIRGINIA HEROLD
16 Executive Officer
17 Board of Pharmacy
18 Department of Consumer Affairs
19 State of California
20 Complainant

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