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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. 4824

12 **CORRINE A. MENDOZA**
13 **P.O. Box 703**
Altaville Station
Angels Camp, CA 95221

A C C U S A T I O N

14 **Pharmacy Technician Registration No. TCH**
15 **33289**

16 Respondent.

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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 May 18, 2000, the Board of Pharmacy issued Pharmacy Technician
23 Registration Number TCH 33289 to Corrine A. Mendoza (Respondent). The Pharmacy
24 Technician Registration was in full force and effect at all times relevant to the charges brought
25 herein and will expire on September 30, 2015, unless renewed.

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JURISDICTION

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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 pertinent 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, whose
8 default has been entered or whose case has been heard by the board and found guilty,
by any of the following methods:

9 (1) Suspending judgment.

10 (2) Placing him or her upon probation.

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

12 (4) Revoking his or her license.

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

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16 5. Section 4300.1 of the Code states:

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

21 6. Section 4301 of the Code states, in pertinent part:

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

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

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

4 (l) The conviction of a crime substantially related to the qualifications, functions, and
5 duties of a licensee under this chapter. The record of conviction of a violation of
6 Chapter 13 (commencing with Section 801) of Title 21 of the United States Code
7 regulating controlled substances or of a violation of the statutes of this state
8 regulating controlled substances or dangerous drugs shall be conclusive evidence of
9 unprofessional conduct. In all other cases, the record of conviction shall be
10 conclusive evidence only of the fact that the conviction occurred. The board may
11 inquire into the circumstances surrounding the commission of the crime, in order to
12 fix the degree of discipline or, in the case of a conviction not involving controlled
13 substances or dangerous drugs, to determine if the conviction is of an offense
14 substantially related to the qualifications, functions, and duties of a licensee under this
15 chapter. A plea or verdict of guilty or a conviction following a plea of nolo
16 contendere is deemed to be a conviction within the meaning of this provision. The
17 board may take action when the time for appeal has elapsed, or the judgment of
18 conviction has been affirmed on appeal or when an order granting probation is made
19 suspending the imposition of sentence, irrespective of a subsequent order under
20 Section 1203.4 of the Penal Code allowing the person to withdraw his or her plea of
21 guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or
22 dismissing the accusation, information, or indictment.

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

25 For the purpose of denial, suspension, or revocation of a personal or facility license
26 pursuant to Division 1.5 (commencing with Section 475) of the Business and
27 Professions Code, a crime or act shall be considered substantially related to the
28 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.

COST RECOVERY

8. Section 125.3 of the Code states, 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
the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
enforcement of the case.

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1 **FIRST CAUSE FOR DISCIPLINE**

2 **(Criminal Conviction)**

3 9. Respondent is subject to disciplinary action under Code section 4301, subdivision (l),
4 in that on or about December 3, 2012, in the case of *People v. Corinne Aileen Mendoza* (Superior
5 Ct. Calaveras County, Case No. 12T19019), Respondent was convicted by the court on her plea
6 of nolo contendere to violating Vehicle Code section 23152, subdivision (b) (operating a vehicle
7 while under the influence of alcohol or drugs while having a blood alcohol level of .08% or
8 greater), a crime that is substantially related to the qualifications, functions, or duties of a licensed
9 pharmacy technician. As part of her plea agreement, Respondent stipulated to a blood alcohol
10 level of .17 %, and admitted to having two prior convictions for driving under the influence. The
11 circumstances are as follows:

12 10. On or about August 11, 2012, Respondent was observed by a California Highway
13 Patrol (CHP) officer driving a vehicle in an erratic manner. Respondent's vehicle stopped twice
14 in the middle of an intersection and then drove off the roadway onto a dirt shoulder several times.
15 After initiating a traffic stop, the officer observed that Respondent was slurring her words, lacked
16 the ability to follow any directions, and was unable to converse in complete sentences.
17 Respondent was asked to stay in her vehicle but proceeded to exit her vehicle at least three times.
18 Respondent was also asked not to smoke until she was evaluated by CHP, but during this time she
19 proceeded to light four cigarettes. Respondent was unable to satisfactorily perform a series of
20 field sobriety tests, and refused to take a preliminary alcohol test.

21 **SECOND CAUSE FOR DISCIPLINE**

22 **(Conviction of Multiple Crimes Involving Use of Alcohol)**

23 11. Respondent is subject to disciplinary action under section 4301, subdivision (k), in
24 that she was convicted of more than one misdemeanor or felony involving the use, consumption,
25 or self-administration, of any dangerous drug or alcoholic beverage, or any combination of those
26 substances. The circumstances are as follows:

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1 a. On or about December 3, 2012, Respondent was convicted of violating Vehicle Code
2 section 23152, subdivision (b) (driving a vehicle with .08 percent or higher blood alcohol level),
3 as set forth in paragraphs 9 and 10, above, and incorporated herein by reference.

4 b. On or about January 11, 2007, Respondent was convicted of violating Vehicle Code
5 section 23152, subdivision (b) (driving a vehicle with .08 percent or higher blood alcohol level),
6 in Calaveras County Superior Court Case No. T15149. The circumstances are that on or about
7 November 5, 2006, CHP officers observed Respondent driving a vehicle in an erratic manner.
8 The speed of the vehicle was fluctuating from 35 to 55 miles per hour, the vehicle was swerving
9 left to right in a serpentine manner, and eventually drifted to the left and across the solid double
10 yellow lines several inches. A traffic stop was initiated and the officer smelled the strong odor of
11 alcohol emitting from Respondent's breath, and observed that she had red, watery eyes, and was
12 slurring her speech. Respondent failed to perform the field sobriety tests as explained, and
13 admitted that she had had "a couple of beers". Respondent elected to provide a blood sample
14 which showed her blood alcohol level to be .13 percent.

15 c. On or about March 8, 2004, Respondent was convicted of violating Vehicle Code
16 section 23152, subdivision (a) (driving a vehicle while under the influence of alcohol and/or
17 drug), subdivision (b) (driving a vehicle with .08 percent or higher blood alcohol level), and
18 section 20002 (hit and run) in Calaveras County Superior Court Case No. T12817. On or about
19 February 15, 2004, a police officer for the city of Angels was dispatched to a call of a hit and run
20 traffic collision that occurred between a pick up truck and a parked car on South Main Street in
21 Angels. Respondent was located at her residence on South Main Street, and was identified as the
22 driver of the pick up by her admission that she was driving at the time of the collision, the fact
23 that the vehicle was registered to her, and that she had a minor scrape on her arm that she stated
24 she received in the collision. Respondent stated she was driving her truck on South Main Street
25 and that her truck struck a parked vehicle on the side of the road. When asked why she did not
26 call the police about the collision, Respondent stated that she did not know. Respondent said that
27 she had been drinking beer before she drove home, that she had a prior DUI in 1995, and that she
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1 had not had any alcohol since she arrived home. Respondent failed to perform the field sobriety
2 tests as required, and her breath test showed blood alcohol levels of .18 and .19 percent.

3 **THIRD CAUSE FOR DISCIPLINE**

4 **(Use of Alcohol in a Manner Dangerous)**

5 12. Respondent is subject to disciplinary action under section 4301, subdivision (h), in
6 that she used alcohol or dangerous drugs to the extent or in a manner to be dangerous or injurious
7 to herself or others. The circumstances are set forth in paragraphs 9, 10, and 11 above, and
8 incorporated herein by reference.

9 **DISCIPLINE CONSIDERATIONS**

10 12. To determine the degree of discipline, if any, to be imposed on Respondent,
11 Complainant alleges that on or about January 29, 2010, in a prior action, the Board of Pharmacy
12 issued Citation Number CI 2007 36436 and ordered Respondent to pay a \$250.00 fine. The
13 Citation was based on Respondent's 2004 and 2007 criminal convictions, which are described
14 more fully in paragraph 10, subdivisions (b) and (c), and herein incorporated by reference. The
15 Citation is now final and is incorporated by reference as if fully set forth.

16 **PRAYER**

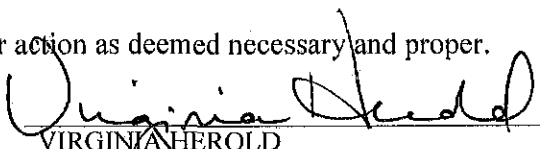
17 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
18 and that following the hearing, the Board of Pharmacy issue a decision:

19 1. Revoking or suspending Pharmacy Technician Registration Number TCH 33289,
20 issued to Corrine A. Mendoza

21 2. Ordering Corrine A. Mendoza to pay the Board of Pharmacy the reasonable costs of
22 the investigation and enforcement of this case, pursuant to Business and Professions Code section
23 125.3;

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

25 DATED: 10/21/13

26 
27 VIRGINIA HEROLD
28 Executive Officer
Board of Pharmacy
Department of Consumer Affairs
State of California
Complainant