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

10 In the Matter of the Accusation Against:

Case No. 4924

11 **RAMIRO CHRISTOPHER NAVA**  
12 **20 Canterbury Court**  
13 **Brentwood, CA 94513**

14 **Pharmacy Technician License No. TCH 37457**

15 Respondent.

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

16 Complainant alleges:

17 PARTIES

18 1. Virginia Herold (Complainant) brings this Accusation solely in her official capacity  
19 as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs.

20 2. On or about May 3, 2001, the Board of Pharmacy issued Pharmacy Technician  
21 License No. TCH 37457 to Ramiro Christopher Nava (Respondent). The License was in force  
22 and effect at all times relevant to the charges brought herein and will expire on February 28,  
23 2015, unless renewed.

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25 JURISDICTION

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



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

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

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COST RECOVERY

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FIRST CAUSE FOR DISCIPLINE

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(Conviction of Substantially Related Crime(s))

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10 10. Section 125.3 of the Code provides, in pertinent part, that the Board may request the  
11 administrative law judge to direct a licensee found to have committed a violation of the licensing  
12 act to pay a sum not to exceed its reasonable costs of investigation and enforcement.

17 11. Respondent is subject to discipline under section 4301(l) and/or section 490 of the  
18 Code, by reference to California Code of Regulations, title 16, section 1770, for the conviction of  
19 substantially related crime(s), in that on or about December 4, 2006, in the criminal case *People*  
20 *v. Ramiro Christopher Nava*, Case No. 04-150677-3 in Contra Costa County Superior Court,  
21 Respondent was convicted of violating Vehicle Code section 23152(b) (Driving with Blood  
22 Alcohol of 0.08% or Higher), a misdemeanor. The conviction was entered as follows:

23 a. On or about September 7, 2006, in *People v. Ramiro Christopher Nava*, Case  
24 No. 04-150677-3 in Contra Costa County Superior Court, based on an incident that was alleged to  
25 have taken place on or about April 14, 2006, Respondent was charged by Misdemeanor  
26 Complaint with violating (1) Vehicle Code section 23152, subdivision (a) (Driving Under  
27 Influence of Alcohol or Drugs), a misdemeanor; and (2) Vehicle Code section 23152, subdivision  
28 (b) (Driving With Blood Alcohol of 0.08% or Higher), a misdemeanor.

1 b. On or about December 4, 2006, Respondent entered a no contest plea and was  
2 found guilty of Count 2 (violation of Vehicle Code section 23152, subdivision (b)). Count 1 was  
3 dismissed pursuant to the plea. Imposition of sentence was suspended in favor of a period of  
4 court probation of three (3) years, on terms and conditions including two (2) days in jail, fines and  
5 fees, and completion of a Level 1 First Offender Drinking Driver Program.

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9 SECOND CAUSE FOR DISCIPLINE

10 (Conviction of Substantially Related Crime(s))

11 12. Respondent is subject to discipline under section 4301(l) and/or section 490 of the  
12 Code, by reference to California Code of Regulations, title 16, section 1770, for the conviction of  
13 substantially related crime(s), in that on or about October 17, 2013, in the criminal case *People v.*  
14 *Ramiro Christopher Nava*, Case No. 04-177034-6 in Contra Costa County Superior Court,  
15 Respondent was convicted of violating Vehicle Code section 23152(a) (Driving Under Influence  
16 of Alcohol or Drugs), a misdemeanor. The conviction was entered as follows:

17 a. On or about August 1, 2013, in *People v. Ramiro Christopher Nava*, Case No.  
18 04-177034-6 in Contra Costa County Superior Court, based on an incident that was alleged to  
19 have taken place on or about January 12, 2013, Respondent was charged by Misdemeanor  
20 Complaint under (1) Vehicle Code section 23152, subdivision (a) (Driving Under Influence of  
21 Alcohol or Drugs), a misdemeanor, with a special allegation that he had been convicted of a prior  
22 offense under Vehicle Code section 23152, in 2006 (as described above), with a special allegation  
23 pursuant to Vehicle Code section 23578 that in the commission of this offense Respondent had a  
24 blood alcohol content of 0.15% or more, and with a further special allegation pursuant to Vehicle  
25 Code sections 23538(b)(2) and 23556(b)(4) that in the commission of this offense Respondent  
26 had a blood alcohol content of 0.20% or more; and (2) Vehicle Code section 23152, subdivision  
27 (b) (Driving With Blood Alcohol of 0.08% or Higher), a misdemeanor, with the same three  
28 special allegations as were made with regard to the first count of the Misdemeanor Complaint.

1           b.     On or about October 17, 2013, Respondent entered a no contest plea and was  
2 found guilty of Count 1 (violation of Vehicle Code section 23152, subdivision (a)). He admitted  
3 to the special allegation of the prior (2006) conviction. Count 2 and all other special allegations  
4 were dismissed pursuant to the plea. Imposition of sentence was suspended in favor of a period  
5 of court probation of four (4) years, on terms and conditions including thirty (30) days in jail,  
6 search conditions, alcohol testing as required by Court Probation Officer(s), fines and fees, and  
7 completion of a Post-Conviction Drinking Driver's Program.

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11   THIRD CAUSE FOR DISCIPLINE

12   (Dangerous or Injurious Use of Alcohol)

13           13.   Respondent is subject to discipline under section 4301(h) of the Code, in that, as  
14 described in paragraphs 11 and 12, Respondent used alcohol in a dangerous or injurious manner.

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18   FOURTH CAUSE FOR DISCIPLINE

19   (Conviction of Crimes Involving Use of Alcohol)

20           14.   Respondent is subject to discipline under section 4301(k) of the Code, in that, as  
21 described in paragraphs 11 and 12, Respondent was convicted of crimes involving use of alcohol.

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25   FIFTH CAUSE FOR DISCIPLINE

26   (Unprofessional Conduct)

27           15.   Respondent is subject to discipline under section 4301 of the Code in that, as  
28 described in paragraphs 11 to 14, Respondent engaged in unprofessional conduct.

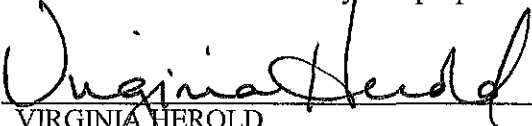
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PRAYER

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 License No. TCH 37457, issued to Ramiro Christopher Nava (Respondent);
2. Ordering Respondent to pay the Board 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 is deemed necessary and proper.

DATED: 2/19/14



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

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