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8	BOARD OF P DEPARTMENT OF CO	HARMACY
9	STATE OF CA	
10		-Case No. 4924
11	RAMIRO CHRISTOPHER NAVA	-6436-110, 1921
12	20 Canterbury Court Brentwood, CA 94513	ACCUSATION
13	Pharmacy Technician License No. TCH 37457	ACCUSATION
14	Respondent.	
15		
16	Complainant alleges:	
17	PART	IES
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	f Pharmacy issued Pharmacy Technician
21	License No. TCH 37457 to Ramiro Christopher Na	ava (Respondent). The License was in force
22	and effect at all times relevant to the charges broug	ght herein and will expire on February 28,
23	2015, unless renewed.	
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25	JURISDI	CTION
26	3. This Accusation is brought before the	Board of Pharmacy (Board), Department of
27	Consumer Affairs, under the authority of the follow	wing laws. All section references are to the
28	Business and Professions Code (Code) unless othe	rwise indicated.
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1	4. Section 4011 of the Code provides that the Board shall administer and enforce both	
2	the Pharmacy Law [Bus. & Prof. Code, § 4000 et seq.] and the Uniform Controlled Substances	
3	Act [Health & Safety Code, § 11000 et seq.].	
4	5. Section 4300(a) of the Code provides that every license issued by the Board may be	
5	suspended or revoked.	
6	6. Section 4300.1 of the Code provides that the expiration, cancellation, forfeiture, or	
7	suspension of a Board-issued license, the placement of a license on a retired status, or the	
8	voluntary surrender of a license by a licensee, shall not deprive the Board of jurisdiction to	
9	commence or proceed with any investigation of, or action or disciplinary proceeding against, the	
10	licensee or to render a decision suspending or revoking the license.	
11		
12	STATUTORY AND REGULATORY PROVISIONS	
13	7. Section 4301 of the Code provides, in pertinent part, that the Board shall take action	
14	against any holder of a license who is guilty of "unprofessional conduct," defined to include, but	
15	not be limited to, any of the following:	
16	(h) The administering to oneself, of any controlled substance, or the use of any dangerous	
17	drug or of alcoholic beverages to the extent or in a manner as to be dangerous or injurious to	
18	oneself, to a person holding a license under this chapter, or to any other person or to the public, or	
19	to the extent that the use impairs the ability of the person to conduct with safety to the public the	
20	practice authorized by the license.	
21	(k) The conviction of more than one misdemeanor or any felony involving the use,	
22	consumption, or self-administration of any dangerous drug or alcoholic beverage, or any	
23	combination of those substances.	
24	(1) The conviction of a crime substantially related to the qualifications, functions, and duties	
25	of a licensee under this chapter.	
26	8. Section 490 of the Code provides, in pertinent part, that the Board may suspend or	
27	revoke a license when it finds that the licensee has been convicted of a crime substantially related	
28	to the qualifications, functions or duties of the license.	
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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."	
8		
9	COST RECOVERY	
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 licentiate 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.	
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15	FIRST CAUSE FOR DISCIPLINE	
16	(Conviction of Substantially Related Crime(s))	
17	11. Respondent is subject to discipline under section 4301(1) 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 <i>People v. Ramiro Christopher Nava</i> , 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.	
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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(1) 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 <i>People v. Ramiro Christopher Nava</i> , 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.
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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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1	PRAYER
2	WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
3	and that following the hearing, the Board of Pharmacy issue a decision:
4	1. Revoking or suspending Pharmacy Technician License No. TCH 37457, issued to
5	Ramiro Christopher Nava (Respondent);
6	2. Ordering Respondent to pay the Board the reasonable costs of the investigation and
7	enforcement of this case, pursuant to Business and Professions Code section 125.3;
8	3. Taking such other and further action as is deemed necessary and proper.
9	DATED: 2/19/14 Unainattendd
10	VIRGINIA HEROLD
11	Executive Officer Board of Pharmacy
12	Department of Consumer Affairs State of California
13	Complainant
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