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

12 In the Matter of the Accusation Against:

Case No. 5051

13 **TRICIA MARIE SPORLEDER**
14 9751 Brittany Lane
Acampo, CA 95220

A C C U S A T I O N

15 **Pharmacy Technician Registration No. TCH**
16 **46913**

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 January 31, 2003, the Board of Pharmacy issued Pharmacy Technician
24 Registration Number TCH 46913 to Tricia Marie Sporleder ("Respondent"). The Pharmacy
25 Technician Registration was in full force and effect at all times relevant to the charges brought
26 herein and will expire on September 30, 2014, 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 ("Code") unless otherwise indicated.

5 4. Code section 4300 provides, in pertinent part:

6 "(a) Every license issued may be suspended or revoked."

7 ...

8 5. Code section 4300.1 provides, in pertinent part:

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

14 **STATUTORY PROVISIONS**

15 6. Section 4060 of the Code states:

16 "No person shall possess any controlled substance, except that furnished to a person upon
17 the prescription of a physician, dentist, podiatrist, optometrist, veterinarian, or naturopathic
18 doctor..."

19 7. Code section 4301 of the Code provides, in pertinent part:

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

23 ...

24 "(h) The administering to oneself, of any controlled substance, or the use of any dangerous
25 drug or of alcoholic beverages to the extent or in a manner as to be dangerous or injurious to
26 oneself, to a person holding a license under this chapter, or to any other person or to the public..."

27 ...

1 a. On or about July 6, 2013, Respondent drove a motor vehicle with a blood
2 alcohol content (BAC) of .29%.

3 **SECOND CAUSE FOR DISCIPLINE**

4 **(Dangerous Use of Alcohol)**

5 11. Respondent is subject to disciplinary action under Code section 4301, subdivision (h),
6 for unprofessional conduct, in that on or about July 6, 2013, Respondent used alcoholic beverages
7 to an extent or in a manner dangerous or injurious to herself and the public when she operated a
8 vehicle while under the influence of alcohol, as more fully set forth above in paragraph 10 and its
9 subpart.

10 **THIRD CAUSE FOR DISCIPLINE**

11 **(Unlawful Possession of Controlled Substance)**

12 12. Respondent is subject to disciplinary action under Code section 4060 in that
13 Respondent possessed a controlled substance without authorization or valid prescription thereof.
14 The facts and circumstances are as follows:

15 a. On or about July 6, 2013, an officer with the Lodi Police Department initiated a
16 traffic stop for vehicle code violations on the vehicle Respondent was driving. During the officer's
17 contact with Respondent, she admitted to the Officer that she had about three beers and a shot
18 prior to driving because it was her friend's birthday. Based on Respondent's failure to perform
19 Field Sobriety Tests satisfactorily, and the Officer's objective observations of Respondent's
20 physical symptoms of intoxication, Respondent was arrested for driving while under the influence
21 of alcohol and transported to the Lodi City Jail. During the search of Respondent's purse, an
22 Officer located a prescription pill bottle for Codeine belonging to Respondent. In that bottle were
23 several white pills that appeared to be Codeine, as well as several smaller yellow and orange pills.
24 Respondent admitted to the Officer that the pills other than Codeine were Valium. She admitted
25 that she does not have a prescription for Valium, and that they were given to her by her mother.
26 Four of the pills were marked with "V" and "2632." Two of the pills were marked "5" and
27 "5619." All six pills were later determined to be Diazepam (Valium).

28 **FOURTH CAUSE FOR DISCIPLINE**

1 **(Violation of Laws Regulating Controlled Substances and Dangerous Drugs)**

2 13. Respondent is subject to disciplinary action under Code section 4301, subdivision (j),
3 for unprofessional conduct, in that Respondent violated the laws regulating controlled substances
4 and dangerous drugs, as set forth more fully above in paragraph 12 and its subpart.

5 **FIFTH CAUSE FOR DISCIPLINE**

6 **(Violating Laws of Pharmacy)**

7 14. Respondent is subject to disciplinary action under Code section 4301, subdivision (o),
8 for unprofessional conduct, in that Respondent violated the laws and regulations governing
9 pharmacy, as more fully set forth above in paragraphs 10 through 13, and their subparts.

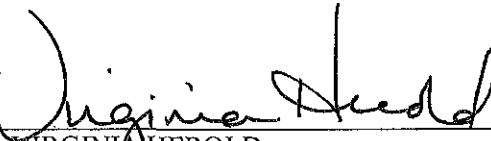
10 **PRAYER**

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

- 13 1. Revoking or suspending Pharmacy Technician Registration Number TCH 46913,
14 issued to Tricia Marie Sporleder;
- 15 2. Ordering Tricia Marie Sporleder to pay the Board of Pharmacy the reasonable costs of
16 the investigation and enforcement of this case, pursuant to Business and Professions Code section
17 125.3;
- 18 3. Taking such other and further action as deemed necessary and proper.
- 19

20

21 DATED: 2/18/14



22 VIRGINIA HEROLD
23 Executive Officer
24 Board of Pharmacy
25 Department of Consumer Affairs
26 State of California
27 Complainant

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