

1 KAMALA D. HARRIS
Attorney General of California
2 MARC GREENBAUM
Supervising Deputy Attorney General
3 CHRISTINA THOMAS
Deputy Attorney General
4 State Bar No. 17168
300 So. Spring Street, Suite 1702
5 Los Angeles, CA 90013
Telephone: (213) 897-2520
6 Facsimile: (213) 897-2804

7 *Attorneys for Complainant*

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

12 In the Matter of the Accusation Against:

Case No. 5146

13 **SOCORRO LOPEZ**
424 Bradley Ave.
14 Montebello, CA 90640

A C C U S A T I O N

15 Pharmacy Technician Registration
No. TCH 124126

16 Respondent.

17
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 June 19, 2012, the Board of Pharmacy (Board) issued Pharmacy
23 Technician Registration No. TCH 124126 to Socorro Lopez (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 October 31, 2015, unless renewed.

26 **JURISDICTION**

27 3. This Accusation is brought before the Board under the authority of the following
28 laws. All section references are to the Business and Professions Code unless otherwise indicated.

STATUTORY PROVISIONS

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4. Section 4060 provides in pertinent part, that no person shall possess any controlled substance, except that furnished to a person upon the prescription of a physician, dentist, podiatrist, optometrist, veterinarian, or other authorized prescriber.

5. Section 4300 provides in pertinent part, that every license issued by the Board is subject to discipline, including suspension or revocation.

6. Section 4300.1 states:

"The expiration, cancellation, forfeiture, or suspension of a board-issued license by 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 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 a decision suspending or revoking the license."

7. Section 4301 states, in pertinent part:

"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 misrepresentation or issued by mistake. Unprofessional conduct shall include, but is not limited to, any of the following:

....

"(h) The administering to oneself, of any controlled substance, or the use of any 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 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.

....

"(j) The violation of any of the statutes of this state, or any other state, or of the United States regulating controlled substances and dangerous drugs.

....

"(o) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of or conspiring to violate any provision or term of this chapter or of the applicable

1 federal and state laws and regulations governing pharmacy, including regulations established by
2 the board or by any other state or federal regulatory agency.”

3 **COST RECOVERY**

4 8. Section 125.3 states, in pertinent part, that the Board may request the administrative
5 law judge to direct a licentiate found to have committed a violation or violations of the licensing
6 act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the
7 case.

8 **CONTROLLED SUBSTANCE**

9 9. "Methamphetamine," is a Schedule II controlled substance as designated by the
10 Health and Safety Code section 11055, subdivision (d)(2) and is categorized as a dangerous drug
11 pursuant to section 4022.

12 **FIRST CAUSE FOR DISCIPLINE**

13 **(Illegal Possession of a Controlled Substance)**

14 10. Respondent is subject to disciplinary action under section 4301, subdivision (j) for
15 violating section 4060, in that Respondent was found to be in illegal possession of a controlled
16 substance. On or about October 16, 2013, while conducting a patrol check at the Travel Inn,
17 11140 Whittier Blvd., in Whittier, CA, by the Los Angeles County Sheriff's Department,
18 Respondent was contacted. The officer noticed a vehicle (CA License plate 5POL953) parked in
19 a parking stall that had expired registration tags and observed Respondent leaning into the rear
20 drivers seat of the vehicle, while a male as standing next to her. Respondent consented to having
21 her driver's license retrieved from her purse. Inside the purse, the officer found clear baggies
22 containing a white crystal-like substance resembling Methamphetamine. Respondent was advised
23 of her Miranda Rights, indicated she understood her rights, and began speaking to the officer.
24 Respondent admitted that the Methamphetamine was hers and for her own personal use. She was
25 subsequently arrested for violating Health and Safety code section 11377, subdivision (a)
26 [possession of a controlled substance-Methamphetamine].

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1 **SECOND CAUSE FOR DISCIPLINE**

2 **(Use/Under the Influence of a Controlled Substance)**

3 11. Respondent is subject to disciplinary action under sections 4301, subdivisions (h) and
4 (o), in that on or about October 16, 2013, Respondent used and/or was under the influence of a
5 controlled substance. Complainant refers to, and by this reference incorporates, the allegations
6 set forth above in paragraph 10, as though set forth fully.

7 **PRAYER**

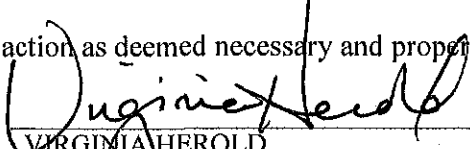
8 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
9 and that following the hearing, the Board of Pharmacy issue a decision:

10 1. Revoking or suspending Pharmacy Technician Registration No. TCH 124126, issued
11 to Socorro Lopez;

12 2. Ordering Socorro Lopez to pay the Board of Pharmacy the reasonable costs of the
13 investigation and enforcement of this case, pursuant to Business and Professions Code section
14 125.3; and

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

16 DATED: 7/26/14


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

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