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

12 In the Matter of the Accusation Against:  
13 **HEIDI IVETH MEJIA**  
1820 Menlo Ave. #C  
14 Los Angeles, CA 90006  
15 **Pharmacy Technician Registration No. TCH**  
16 **105677**  
17 Respondent.

Case No. 5579

**ACCUSATION**

18  
19 Complainant alleges:

20 **PARTIES**

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

23 2. On or about August 2, 2010, the Board of Pharmacy issued Pharmacy Technician  
24 Registration Number TCH 105677 to Heidi Iveth Mejia (Respondent). The Pharmacy Technician  
25 Registration was in full force and effect at all times relevant to the charges brought herein and  
26 expired on October 31, 2015, and has been cancelled.

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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. Section 4300, subdivision (a), of the Code states that "[e]very license issued may be  
6 suspended or revoked."

7 5. Section 4300.1 of the Code states:

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

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

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

17 ...

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

23 ...

24 "(l) The conviction of a crime substantially related to the qualifications, functions, and  
25 duties of a licensee under this chapter. The record of conviction of a violation of Chapter 13  
26 (commencing with Section 801) of Title 21 of the United States Code regulating controlled  
27 substances or of a violation of the statutes of this state regulating controlled substances or  
28 dangerous drugs shall be conclusive evidence of unprofessional conduct. In all other cases, the

1 record of conviction shall be conclusive evidence only of the fact that the conviction occurred.  
2 The board may inquire into the circumstances surrounding the commission of the crime, in order  
3 to fix the degree of discipline or, in the case of a conviction not involving controlled substances  
4 or dangerous drugs, to determine if the conviction is of an offense substantially related to the  
5 qualifications, functions, and duties of a licensee under this chapter. A plea or verdict of guilty or  
6 a conviction following a plea of nolo contendere is deemed to be a conviction within the meaning  
7 of this provision. The board may take action when the time for appeal has elapsed, or the  
8 judgment of conviction has been affirmed on appeal or when an order granting probation is made  
9 suspending the imposition of sentence, irrespective of a subsequent order under Section 1203.4 of  
10 the Penal Code allowing the person to withdraw his or her plea of guilty and to enter a plea of not  
11 guilty, or setting aside the verdict of guilty, or dismissing the accusation, information, or  
12 indictment.”

### 13 REGULATORY PROVISION

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

15 "For the purpose of denial, suspension, or revocation of a personal or facility license  
16 pursuant to Division 1.5 (commencing with Section 475) of the Business and Professions Code, a  
17 crime or act shall be considered substantially related to the qualifications, functions or duties of a  
18 licensee or registrant if to a substantial degree it evidences present or potential unfitness of a  
19 licensee or registrant to perform the functions authorized by his license or registration in a manner  
20 consistent with the public health, safety, or welfare."

### 21 COST RECOVERY

22 8. Section 125.3 provides that the Board may request the administrative law judge to  
23 direct a licentiate found to have committed a violation or violations of the licensing act to pay a  
24 sum not to exceed the reasonable costs of the investigation and enforcement of the case, with  
25 failure of the licentiate to comply subjecting the license to not being renewed or reinstated. If a  
26 case settles, recovery of investigation and enforcement costs may be included in a stipulated  
27 settlement.

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1 **FIRST CAUSE FOR DISCIPLINE**

2 **(Conviction of a Substantially Related Crime)**

3 9. Respondent is subject to disciplinary action under sections 4300 and 4301,  
4 subdivision (I), of the Code, in conjunction with California Code of Regulations, title 16, section  
5 1770, on the grounds of unprofessional conduct, in that Respondent committed a substantially  
6 related crime.

7 a. On or about November 20, 2014, after pleading nolo contendere, Respondent was  
8 convicted of one misdemeanor count of violating Vehicle Code section 23152, subdivision (b)  
9 [DUI Alcohol/0.08 Percent], in the criminal proceeding entitled *The People of the State of*  
10 *California v. Heidi Mejia* (Super Ct. L.A. County, 2014, No. 4MP05122). The Court sentenced  
11 Respondent to 36 months probation with terms and conditions, including completion of a three  
12 month First Offender DUI Program, the Hospital and Morgue (HAM) Program, and the Victim  
13 Impact Panel (VIP) of Mothers Against Drunk Driving (MADD), and installation of an Ignition  
14 Interlock Device in her vehicle.

15 b. The circumstances underlying the conviction are that on or about May 25, 2014,  
16 Respondent was pulled over after swerving multiple times on the freeway. While stopped,  
17 officers smelled alcohol on Respondent. When Respondent exited the car, the officers observed a  
18 bottle of rum that was over ¾ empty. Respondent admitted to drinking two “Mike’s Hard  
19 Lemonade”. Respondent failed a series of sobriety tests and submitted a chemical breath test  
20 which resulted in a BAC of .12% and .11%.

21 **SECOND CAUSE FOR DISCIPLINE**

22 **(Use of Dangerous Drug or Alcoholic Beverage Injurious to Oneself or Others)**

23 10. Respondent is subject to disciplinary action under section 4301, subdivision (h), on  
24 the grounds of unprofessional conduct, in that Respondent was arrested for driving under the  
25 influence of alcohol on May 25, 2014. Complainant refers to and by this reference incorporates  
26 the allegations set forth above in paragraph 9, inclusive, as though set forth fully.

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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 Registration Number TCH 105677, issued to Heidi Iveth Mejia;
2. Ordering Heidi Iveth Mejia to pay the Board of Pharmacy the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3; and,
3. Taking such other and further action as deemed necessary and proper.

DATED: \_\_\_\_\_

*4/14/16*

*Virginia Herold*

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

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4/6/16