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

| | |
|--|----------------------------|
| 11 In the Matter of the Accusation Against: | Case No. 6113 |
| 12 SARINA MARIE RAMIREZ | A C C U S A T I O N |
| 13 902 South Filbert Street | |
| 13 Stockton, CA 95205 | |
| 14 Pharmacy Technician Registration No. TCH | |
| 15 74107 | |
| 16 Respondent. | |

17 Virginia Herold ("Complainant") alleges:

18 **PARTIES**

- 19 1. Complainant brings this Accusation solely in her official capacity as the Executive
20 Officer of the Board of Pharmacy ("Board"), Department of Consumer Affairs.
21 2. On or about January 26, 2007, the Board issued Pharmacy Technician Registration
22 Number TCH 74107 to Sarina Marie Ramirez ("Respondent"). The registration was in full force
23 and effect at all times relevant to the charges brought herein and will expire on September 30,
24 2018, unless renewed.

25 **JURISDICTION**

- 26 3. Business and Professions Code ("Code") section 4300 provides, in pertinent part, that
27 every license issued by the Board is subject to discipline, including suspension or revocation.
28

1 4. Code section 4300.1 states:

2 The expiration, cancellation, forfeiture, or suspension of a board-issued license
3 by operation of law or by order or decision of the board or a court of law, the
4 placement of a license on a retired status, or the voluntary surrender of a license by a
5 licensee shall not deprive the board of jurisdiction to commence or proceed with any
6 investigation of, or action or disciplinary proceeding against, the licensee or to render
7 a decision suspending or revoking the license.

8 **STATUTORY PROVISIONS**

9 5. Code section 4301 states, in pertinent part:

10 The board shall take action against any holder of a license who is guilty of
11 unprofessional conduct or whose license has been issued by mistake. Unprofessional
12 conduct shall include, but is not limited to, any of the following:

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

18

19 (i) The conviction of a crime substantially related to the qualifications,
20 functions, and duties of a licensee under this chapter. The record of conviction of a
21 violation of Chapter 13 (commencing with Section 801) of Title 21 of the United
22 States Code regulating controlled substances or of a violation of the statutes of this
23 state regulating controlled substances or dangerous drugs shall be conclusive
24 evidence of unprofessional conduct. In all other cases, the record of conviction shall
25 be conclusive evidence only of the fact that the conviction occurred. The board may
26 inquire into the circumstances surrounding the commission of the crime, in order to
27 fix the degree of discipline or, in the case of a conviction not involving controlled
28 substances or dangerous drugs, to determine if the conviction is of an offense
substantially related to the qualifications, functions, and duties of a licensee under this
chapter. A plea or verdict of guilty or a conviction following a plea of nolo
contendere is deemed to be a conviction within the meaning of this provision. The
board may take action when the time for appeal has elapsed, or the judgment of
conviction has been affirmed on appeal or when an order granting probation is made
suspending the imposition of sentence, irrespective of a subsequent order under
Section 1203.4 of the Penal Code allowing the person to withdraw his or her plea of
guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or
dismissing the accusation, information, or indictment.

COST RECOVERY

6. Code section 125.3 provides, in pertinent part, that the Board may request the
administrative law judge to direct a licentiate found to have committed a violation or violations of

1 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
2 enforcement of the case.

3 **FIRST CAUSE FOR DISCIPLINE**

4 **(Conviction of a Crime)**

5 7. Respondent is subject to discipline pursuant to Code section 4301(l), on the grounds
6 of unprofessional conduct, in that on or about March 1, 2017, in the case of *People v. Sarina*
7 *Marie Ramirez*, (Super. Ct. Sacramento County, 2017, Case No. 17MI002089), Respondent was
8 convicted by the Court on her plea of nolo contendere of violating Vehicle Code section 23152(b)
9 (driving with a blood alcohol level of .08% or higher), a misdemeanor, and an enhancement of
10 Vehicle Code section 23538(b)(2) (having a blood alcohol level of .20% or higher). The
11 circumstances of the crime were that on or about January 24, 2017, Respondent drove a vehicle
12 while having a blood alcohol level of 0.23%. The crime is substantially related to the
13 qualifications, functions, or duties of a pharmacy technician.

14 **SECOND CAUSE FOR DISCIPLINE**

15 **(Dangerous Use of Alcohol)**

16 8. Respondent is subject to discipline pursuant to Code section 4301(h), on the grounds
17 of unprofessional conduct, in that Respondent consumed alcohol to the extent or in a manner as to
18 be dangerous or injurious to oneself and to the public, in that on or about January 24, 2017,
19 Respondent drove a vehicle with a blood alcohol level of .23%, as more particularly set forth
20 above in paragraph 7.

21 **PRAYER**

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

24 1. Revoking or suspending Pharmacy Technician Registration Number TCH 74107,
25 issued to Sarina Marie Ramirez;

26 2. Ordering Sarina Marie Ramirez to pay the Board of Pharmacy the reasonable costs of
27 the investigation and enforcement of this case, pursuant to Business and Professions Code section
28 125.3; and,

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

DATED: _____

10/18/17



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

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