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7  
8 **BEFORE THE**  
**BOARD OF PHARMACY**  
9 **DEPARTMENT OF CONSUMER AFFAIRS**  
**STATE OF CALIFORNIA**

10 In the Matter of the Accusation Against:

Case No. 6223

11 **ALFRED ADRIAN SOLORZANO**  
12 **10326 S. Inglewood Avenue, Apt. 2**  
13 **Inglewood, CA 90304**

**A C C U S A T I O N**

14 **Pharmacy Technician Registration No. TCH**  
15 **123188**

Respondent.

16  
17 Complainant alleges:

18 **PARTIES**

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

21 2. On or about July 17, 2012, the Board of Pharmacy issued Pharmacy Technician  
22 Registration Number TCH 123188 to Alfred Adrian Solorzano (Respondent). The Pharmacy  
23 Technician Registration was in full force and effect at all times relevant to the charges brought  
24 herein and will expire on September 30, 2019, unless renewed.

25 **JURISDICTION**

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



1           8.     Section 4301 of the Code states, in pertinent part:

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

5           . . . .

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

11          ...

12          "(k) The conviction of more than one misdemeanor or any felony involving the use,  
13 consumption, or self-administration of any dangerous drug or alcoholic beverage, or any  
14 combination of those substances.

15          ...

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

1 suspending the imposition of sentence, irrespective of a subsequent order under Section 1203.4 of  
2 the Penal Code allowing the person to withdraw his or her plea of guilty and to enter a plea of not  
3 guilty, or setting aside the verdict of guilty, or dismissing the accusation, information, or  
4 indictment.

5 ...

6 "(o) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the  
7 violation of or conspiring to violate any provision or term of this chapter or of the applicable  
8 federal and state laws and regulations governing pharmacy, including regulations established by  
9 the board or by any other state or federal regulatory agency.

10 "(p) Actions or conduct that would have warranted denial of a license. . . ."

#### 11 REGULATORY PROVISIONS

12 9. California Code of Regulations, title 16, section 1770, states, in pertinent part:

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

#### 19 COST RECOVERY

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

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1 **FIRST CAUSE FOR DISCIPLINE**

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

3 11. Respondent is subject to disciplinary action under Code section 4301, subdivision (l),  
4 in conjunction with California Code of Regulations, title 16, section 1770, in that Respondent was  
5 convicted of a crime substantially related to qualifications, functions, or duties of a registered  
6 pharmacy technician which to a substantial degree evidence his present or potential unfitness to  
7 perform the functions authorized by his registration in a manner consistent with the public health,  
8 safety, or welfare, as follow:

9 a. On or about April 20, 2017, after pleading nolo contendere, Respondent was  
10 convicted of one count of violating Vehicle Code section 23152(b) [driving with a BAC of .08%  
11 of more] in the criminal proceeding entitled *The People of the State of California v. Alfred Adrian*  
12 *Solorzano* (Super. Ct. L.A. County, 2017, No. 6IN04614). The court sentenced Respondent to  
13 serve 96 hours in Los Angeles County jail, and placed Respondent on forty-eight (48) months  
14 probation along with ordering Respondent to enroll and complete an SB-38 Program.

15 b. The circumstances underlying the conviction are that on or about September 14,  
16 2016, police officers stopped Respondent's vehicle because it did not have a properly mounted  
17 front license plate by having it mounted on the dashboard, as well as having tinted windows on  
18 the vehicle. While speaking with Respondent, officers noticed his eyes were watery, he was  
19 slurring his speech and he smelled of alcohol. Respondent submitted to a chemical breath test  
20 resulting in a BAC of 0.24% and 0.25%.

21 **SECOND CAUSE FOR DISCIPLINE**

22 **(Dangerous Use of Alcohol)**

23 12. Respondent is subject to disciplinary action under Code section 4301, subdivision (h),  
24 on the grounds of unprofessional conduct, in that Respondent used alcoholic beverages to the  
25 extent or in a manner as to be dangerous or injurious to himself or others. Complainant refers to,  
26 and by this reference incorporates, the allegations set forth in paragraph 11, inclusive, as though  
27 set forth fully.

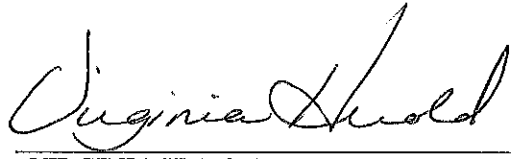
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1. Revoking or suspending Pharmacy Technician Registration No. TCH 123188, issued to Alfred Adrian Solorzano;
2. Ordering Alfred Adrian Solorzano to pay the Board the reasonable costs of the investigation and enforcement of this case, pursuant to Code section 125.3; and
3. Taking such other and further action as deemed necessary and proper.

DATED: 10/7/17



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

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