1	XAVIER BECERRA		
2	Attorney General of California ARMANDO ZAMBRANO		
3	Supervising Deputy Attorney General CHRISTINE J. LEE		
4	Deputy Attorney General State Bar No. 282502		
5	300 So. Spring Street, Suite 1702 Los Angeles, CA 90013		
6	Telephone: (213) 897-2539 Facsimile: (213) 897-2804		
7	Attorneys for Complainant		
8	BEFORE THE BOARD OF PHARMACY DEPARTMENT OF CONSUMER AFFAIRS STATE OF CALIFORNIA		
9			
10			
11	In the Matter of the Accusation Against: Case No. 6223		
12	ALFRED ADRIAN SOLORZANO 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 123188		
15	Respondent.		
16			
17	Complainant alleges:		
18	PARTIES		
19	1. Virginia Herold (Complainant) brings this Accusation solely in her official capacity	Y	
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 otherwis	se	
28	indicated.		
	1		
	(ALFRED ADRIAN SOLORZANO) ACCUSATI	ON	

۰.

1

4.

Section 4300.1 of the Code states:

"The expiration, cancellation, forfeiture, or suspension of a board-issued license by 2 operation of law or by order or decision of the board or a court of law, the placement of a license 3 on a retired status, or the voluntary surrender of a license by a licensee shall not deprive the board 4 of jurisdiction to commence or proceed with any investigation of, or action or disciplinary 5 proceeding against, the licensee or to render a decision suspending or revoking the license." 6 5. Section 4011 of the Code provides that "It he board shall administer and enforce this 7 chapter [Pharmacy Law, (Business and Professions Code, Sec 4000 et secg.)] and the Uniform 8 Controlled Substances Act (Division 10 (commencing with Section 11000) of the Health and 9 Safety Code)." 10 Section 4300, subdivision (a), of the Code states, in pertinent part, that "[e]verv 6. 11 license issued may be suspended or revoked." 12STATUTORY PROVISIONS 13 7. Section 4060 of the Code states, in pertinent part: 14 "No person shall possess any controlled substance, except that furnished to a person upon 15 the prescription of a physician, dentist, podiatrist, optometrist, veterinarian, or naturopathic doctor 16 pursuant to Section 3640.7, or furnished pursuant to a drug order issued by a certified 17 nurse-midwife pursuant to Section 2746.51, a nurse practitioner pursuant to Section 2836.1, or a 18 physician assistant pursuant to Section 3502.1, or naturopathic doctor pursuant to Section 3640.5, 19 or a pharmacist pursuant to either subparagraph (D) of paragraph (4) of, or clause (iv) of 20subparagraph (A) of paragraph (5) of, subdivision (a) of Section 4052. This section shall not 21 apply to the possession of any controlled substance by a manufacturer, wholesaler, pharmacy, 22 pharmacist, physician, podiatrist, dentist, optometrist, veterinarian, naturopathic doctor, certified 23 nurse-midwife, nurse practitioner, or physician assistant, when in stock in containers correctly 24 labeled with the name and address of the supplier or producer. 25 "Nothing in this section authorizes a certified nurse-midwife, a nurse practitioner, a 26 physician assistant, or a naturopathic doctor, to order his or her own stock of dangerous drugs and 27devices." 28

2

1 2

3

4

5

11

15

8.

. . .

. . .

Section 4301 of the Code 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 issued by mistake. Unprofessional conduct shall include, but is not limited to, any of the following:

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..."

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

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

3

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	"(0) 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.
26	///
27	/// .
28	
	4
	(ALFRED ADRIAN SOLORZANO) ACCUSATION

FIRST CAUSE FOR DISCIPLINE

(Conviction of a Substantially Related Crime)

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

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

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

21

22

1

2

SECOND CAUSE FOR DISCIPLINE

(Dangerous Use of Alcohol)

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

28 ///

5

1	THIRD CAUSE FOR DISCIPLINE
2	(Conviction Involving Alcohol)
3	13. Respondent is subject to disciplinary action under section 4301, subdivision (k) of the
4	Code, on the grounds of unprofessional conduct, in that Respondent sustained multiple criminal
5	convictions involving alcoholic beverages or drugs. Complainant refers to and by this reference
6	incorporates the allegations set forth above in paragraph 11, inclusive, as though set forth fully.
7	FOURTH CAUSE FOR DISCIPLINE
8	(Violate Pharmacy Law / Acts Warranting Denial of Licensure)
9	14. Respondent is subject to disciplinary action under Code section 4301, subdivisions
10	(o) and (p), in that Respondent violated federal and state law and regulations governing
11	pharmacy, and committed acts of unprofessional conduct that would have warranted a denial of a
12	license. Complainant refers to and by this reference incorporates that allegations set for above in
13	paragraphs 11 through 12, inclusive, as though set forth fully.
14	DISCIPLINE CONSIDERATIONS
15	15. To determine the degree of discipline, Complaint alleges that:
16	a. On or about April 22, 2011, Respondent was convicted of violating Vehicle
17	Code section 23152(a) [driving with under the influence of alcohol] in the criminal proceeding
18	entitled The People of the State of California v. Alfred Adrian Solorzano (Super. Ct. L.A. County
19	2011, No. 1IG00579). The court sentenced Respondent to serve 1 day hours in jail, and placed
20	Respondent on thirty-six (36) months probation along with ordering Respondent to enroll in the
21	First Offender Alcohol Program. The circumstances underlying the conviction are that on or
22	about December 5, 2010, Respondent was driving a vehicle under the influence of alcohol.
23	Respondent submitted to a chemical breath test, resulting in a BAC of 0.18% on two separate
24	attempts.
25	PRAYER
26	WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
27	and that following the hearing, the Board issue a decision:
28	

1. Revoking or suspending Pharmacy Technician Registration No. TCH 123188, issued to Alfred Adrian Solorzano; Ordering Alfred Adrian Solorzano to pay the Board the reasonable costs of the 2. investigation and enforcement of this case, pursuant to Code section 125.3; and Taking such other and further action as deemed necessary and proper. 3. 10/7/17 DATED: VIRGINIA HEROLD **Executive Officer** Board of Pharmacy Department of Consumer Affairs State of California Complainant LA2017506619 52615046.doc (ALFRED ADRIAN SOLORZANO) ACCUSATION