

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

In the Matter of the Accusation Against:

Case No. 3276

**SARA HERNANDEZ**  
1805 Evelyn Circle  
Colton, CA 92324

Original Pharmacy Technician Registration No.  
TCH 46353

Respondent.

**DECISION AND ORDER**

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Board of Pharmacy, Department of Consumer Affairs, as its Decision in this matter.

This decision shall become effective on April 29, 2010.

It is so ORDERED on March 30, 2010.

BOARD OF PHARMACY  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

By

*Benneth H. Schell*

---

KENNETH H. SCHELL  
Board President

1 EDMUND G. BROWN JR.  
Attorney General of California  
2 GREGORY J. SALUTE  
Supervising Deputy Attorney General  
3 DESIREE TULLENERS  
Deputy Attorney General  
4 State Bar No. 157464  
300 So. Spring Street, Suite 1702  
5 Los Angeles, CA 90013  
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*Attorneys for Complainant*  
7

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. 3276

13 **SARA ELAINE GARCIA**  
14 **aka SARA ELAINE HERNANDEZ**  
15 **1805 Evelyn Circle**  
16 **Colton, CA 92324**

**STIPULATED SETTLEMENT AND**  
**DISCIPLINARY ORDER**

17 **Pharmacy Technician Registration No. TCH**  
18 **46353**

19 Respondent.

20 *IT IS HEREBY STIPULATED AND AGREED* by and between the parties to the above-  
21 entitled proceedings that the following matters are true:

22 **PARTIES**

23 1. Virginia Herold (Complainant) is the Executive Officer of the Board of Pharmacy.  
24 She brought this action solely in her official capacity and is represented in this matter by Edmund  
25 G. Brown Jr., Attorney General of the State of California, by Desiree Tulleners, Deputy Attorney  
26 General.

27 2. Respondent Sara Elaine Garcia aka Sara Elaine Hernandez (Respondent) is  
28 representing herself in this proceeding, and has chosen not to exercise her right to be represented  
by counsel.

///



1 9. Respondent agrees that her Pharmacy Technician Registration is subject to discipline  
2 and she agrees to be bound by the Board of Pharmacy (Board)'s imposition of discipline as set  
3 forth in the Disciplinary Order below.

4 CONTINGENCY

5 10. This stipulation shall be subject to approval by the Board of Pharmacy. Respondent  
6 understands and agrees that counsel for Complainant and the staff of the Board of Pharmacy may  
7 communicate directly with the Board regarding this stipulation and settlement, without notice to  
8 or participation by Respondent. By signing the stipulation, Respondent understands and agrees  
9 that she may not withdraw her agreement or seek to rescind the stipulation prior to the time the  
10 Board considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and  
11 Order, the Stipulated Settlement and Disciplinary Order shall be of no force or effect, except for  
12 this paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall  
13 not be disqualified from further action by having considered this matter.

14 11. The parties understand and agree that facsimile copies of this Stipulated Settlement  
15 and Disciplinary Order, including facsimile signatures thereto, shall have the same force and  
16 effect as the originals.

17 12. This Stipulated Settlement and Disciplinary Order is intended by the parties to be an  
18 integrated writing representing the complete, final, and exclusive embodiment of their agreement.  
19 It supersedes any and all prior or contemporaneous agreements, understandings, discussions,  
20 negotiations, and commitments (written or oral). This Stipulated Settlement and Disciplinary  
21 Order may not be altered, amended, modified, supplemented, or otherwise changed except by a  
22 writing executed by an authorized representative of each of the parties.

23 13. In consideration of the foregoing admissions and stipulations, the parties agree that  
24 the Board may, without further notice or formal proceeding, issue and enter the following  
25 Disciplinary Order:

26 ///

27 ///

28 ///

1 DISCIPLINARY ORDER

2 *IT IS HEREBY ORDERED* that Pharmacy Technician Registration No. TCH 46353  
3 issued to Respondent Sara Elaine Garcia aka Sara Elaine Hernandez is revoked.

4 The revocation of Respondent's Pharmacy Technician Registration shall constitute the  
5 imposition of discipline against Respondent. This stipulation constitutes a record of the discipline  
6 and shall become a part of Respondent's license history with the Board.

7 Respondent shall lose all rights and privileges as a Pharmacy Technician in California  
8 as of the effective date of the Board's Decision and Order.

9 Respondent shall cause to be delivered to the Board her license, license certificate(s),  
10 on or before the effective date of the Decision and Order.

11 Respondent may not apply, reapply, or petition for any licensure or registration of the  
12 Board for three (3) years from the effective date of the Decision and Order.

13 Respondent understands and agrees that if she ever applies for licensure or petitions  
14 for reinstatement in the State of California, the Board shall treat it as a petition for reinstatement.  
15 Respondent must comply with all laws, regulations and procedures for licensure in effect at the  
16 time an application or petition is filed, and all the charges and allegations contained in Accusation  
17 No. 3276 shall be deemed to be true, correct and admitted by Respondent when the Board  
18 determines whether to grant or deny the application or petition.

19 Should Respondent ever apply or reapply for a new license or certification, or petition  
20 for reinstatement of a license, by any other health care licensing agency in the State of California,  
21 all of the charges and allegations contained in Accusation No. 3276 shall be deemed to be true,  
22 correct, and admitted by Respondent for the purpose of any Statement of Issues or any other  
23 proceeding seeking to deny or restrict licensure.

24 Respondent shall pay the Board its costs of investigation and enforcement in the  
25 amount of \$2,702, prior to issuance of a new or reinstated license

26 ACCEPTANCE

27 I have carefully read the Stipulated Settlement and Disciplinary Order. I understand  
28 the stipulation and the effect it will have on my Pharmacy Technician Registration. I enter into

1 this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and  
2 agree to be bound by the Decision and Order of the Board of Pharmacy.

3  
4 DATED: 12/08/2009

  
SARA ELAINE HERNANDEZ  
Respondent

7 **ENDORSEMENT**

8 The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully  
9 submitted for consideration by the Board of Pharmacy of the Department of Consumer Affairs.

10 Dated: 12/17/09

11 Respectfully Submitted,

12 EDMUND G. BROWN JR.  
Attorney General of California  
13 GREGORY J. SALUTE  
Supervising Deputy Attorney General


14   
15 DESIREE TULLENERS  
16 Deputy Attorney General  
Attorneys for Complainant

Exhibit A

Accusation No. 3276

1 EDMUND G. BROWN JR., Attorney General  
of the State of California  
2 GREGORY J. SALUTE  
Supervising Deputy Attorney General  
3 DESIREE TULLENERS, State Bar No. 157464  
Deputy Attorney General  
4 California Department of Justice  
300 So. Spring Street, Suite 1702  
5 Los Angeles, CA 90013  
Telephone: (213) 897-2578  
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7 Attorneys for Complainant

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

11 In the Matter of the Accusation Against:

Case No. 3276

12 SARA ELAINE GARCIA  
a.k.a SARA ELAINE HERNANDEZ  
13 1805 Evelyn Circle  
Colton, CA 92324  
14  
15 Pharmacy Technician Registration  
No. TCH 46353

A C C U S A T I O N

16 Respondent.

17  
18 Complainant alleges:

19 PARTIES

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

23 2. On or about July 25, 2003, the Board issued Pharmacy Technician  
24 Registration No. TCH 46353 to Sara Elaine Garcia also known as Sara Elaine Hernandez  
25 (Respondent). The Pharmacy Technician Registration will expire on March 31, 2011, unless  
26 renewed.

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28 ///



JURISDICTION

1  
2           3.     This Accusation is brought before the Board, under the authority of the  
3 following laws. All section references are to the Business and Professions Code unless otherwise  
4 indicated.

5           4.     Business and Professions Code section 118, subdivision (b) provides that  
6 the suspension, expiration, or forfeiture by operation of law of a license does not deprive the  
7 Board of authority or jurisdiction to institute or continue with disciplinary action against the  
8 license or to order suspension or revocation of the license, during the period within which the  
9 certificate may be renewed, restored, reissued or reinstated.

10           5.     Section 490 states, in pertinent part:

11                 "(a) In addition to any other action that a board is permitted to take against a  
12 licensee, a board may suspend or revoke a license on the ground that the licensee has been  
13 convicted of a crime, if the crime is substantially related to the qualifications, functions, or duties  
14 of the business or profession for which the license was issued.

15                 (b) Notwithstanding any other provision of law, a board may exercise any  
16 authority to discipline a licensee for conviction of a crime that is independent of the authority  
17 granted under subdivision (a) only if the crime is substantially related to the qualifications,  
18 functions, or duties of the business or profession for which the licensee's license was issued.

19                 (c) A conviction within the meaning of this section means a plea or verdict of  
20 guilty or a conviction following a plea of nolo contendere. Any action that a board is permitted to  
21 take following the establishment of a conviction may be taken when the time for appeal has  
22 elapsed, or the judgment of conviction has been affirmed on appeal, or when an order granting  
23 probation is made suspending the imposition of sentence, irrespective of a subsequent order  
24 under the provisions of Section 1203.4 of the Penal Code."

25           6.     Section 4300 of the Code provides, in pertinent part, that every license  
26 issued by the Board is subject to discipline, including suspension or revocation.

27           7.     Section 4301 of the Code states:

28                 "The board shall take action against any holder of a license who is guilty of

1 unprofessional conduct or whose license has been procured by fraud or misrepresentation or  
2 issued by mistake. Unprofessional conduct shall include, but is not limited to, any of the  
3 following:

4 (a) Gross immorality.

5 .....

6 (f) The commission of any act involving moral turpitude, dishonesty, fraud,  
7 deceit, or corruption, whether the act is committed in the course of relations as a licensee or  
8 otherwise, and whether the act is a felony or misdemeanor or not.

9 .....

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

27 .....

28 (p) Actions or conduct that would have warranted denial of a license.”





1 armed with a firearm during commission of crimes]. Each of the acts is categorized as a serious  
2 felony.

3 THIRD CAUSE FOR DISCIPLINE

4 *(Unprofessional Conduct - Moral Turpitude)*

5 15. Respondent is subject to disciplinary action under sections 4300 and 4301,  
6 subdivision (f) of the Code, on the grounds of unprofessional conduct, in that, Respondent  
7 committed acts of moral turpitude, as set forth above in paragraphs 14 (a), (b) and (c). Any act,  
8 in and of itself, is an independent ground for disciplinary action against Respondent.

9 FOURTH CAUSE FOR DISCIPLINE

10 *(Unprofessional Conduct - Conduct Warranting Denial of a License)*

11 16. Respondent is subject to disciplinary action under section 4300 and 4301,  
12 subdivisions (p); of the Code, on the grounds of unprofessional conduct, in that, Respondent  
13 committed conduct warranting denial of a license, as set forth above in paragraphs 14 (a), (b) and  
14 (c). Any conduct, in and of itself, is an independent ground for disciplinary action against  
15 Respondent.

16 PRAYER

17 *WHEREFORE*, Complainant requests that a hearing be held on the matters  
18 herein alleged, and that following the hearing, the Board issue a decision:

- 19 1. Revoking or suspending Pharmacy Technician Registration Number  
20 TCH 46353 issued to Sara Elaine Hernandez;
- 21 2. Ordering Sara Elaine Hernandez to pay the Board the reasonable costs of  
22 the investigation and enforcement of this case, pursuant to Business and Professions Code  
23 section 125.3; and

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25 ///

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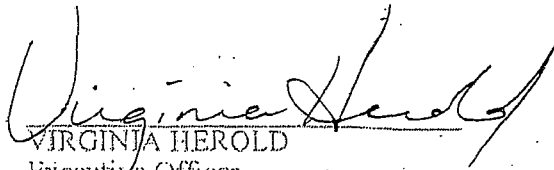
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3. Taking such other and further action as deemed necessary and proper.

DATED: 10/29/09



VIRGINIA HEROLD  
Executive Officer  
Board of Pharmacy  
State of California  
Complainant