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

In the Matter of the Accusation Against:

DEBORAH CONNER
10800 Woodside Ave. #88
Santee, CA 92071

**Pharmacy Technician Registration No. TCH
23357**

Respondent.

Case No. 3581

DEFAULT DECISION AND ORDER

[Gov. Code, §11520]

FINDINGS OF FACT

1. On or about March 22, 2010, Complainant Virginia Herold, in her official capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs, filed Accusation No. 3581 against Deborah Conner (Respondent) before the Board of Pharmacy.
2. On or about July 27, 1997, the Board of Pharmacy (Board) issued Pharmacy Technician License No. TCH 23357 to Respondent. The License was in full force and effect at all times relevant to the charges brought herein, and will expire on June 30, 2011, if not renewed.
3. On or about April 1, 2010, J. Mejia, an employee of the Department of Justice, served by Certified and First Class Mail a copy of the Accusation No. 3581, a Statement to Respondent, two copies of a form Notice of Defense, a Request for Discovery, and copies of Government Code, sections 11507.5, 11507.6, and 11507.7 to Respondent's address of record with the Board: 10800 Woodside Ave. #88 Santee, CA 92071. Copies of the Accusation are attached as exhibit A, and are incorporated herein by reference.

1 4. The Board of Pharmacy is authorized to revoke Respondent's Pharmacy Technician
2 License based upon the following violations alleged in the Accusation:

3 a. In violation of Business and Professions Code, section(s) 4301 (l) and/or 490,
4 Respondent was convicted of substantially related crime(s), when on or about October 17, 2007,
5 in a criminal proceeding entitled *People of the State of California v. Deborah Conner*, in San
6 Diego County Superior Court, Respondent was convicted on her plea of guilty for violating
7 Vehicle Code, section 23152(b), driving under the influence with a special allegation of blood
8 alcohol level of .15 or more under Vehicle Code, section 23578;

9 b. In violation of Business and Professions Code, section(s) 4301 (l) and/or 490,
10 Respondent was convicted of substantially related crime(s), when on or about October 17, 2007,
11 in a criminal proceeding entitled *People of the State of California v. Deborah Conner*, in San
12 Diego County Superior Court, Respondent was convicted on her plea of guilty for violating
13 Vehicle Code, section 23152(b), driving under the influence of alcohol with a special allegation
14 of blood alcohol level of .15 or more under Vehicle Code, section 23578;

15 c. In violation of Business and Professions Code, section(s) 4301 (l) and/or 490,
16 Respondent was convicted of substantially related crime(s), when on or about April 28, 2009, in
17 criminal proceeding entitled of *People of the State California v. Deborah Conner*, in San Diego
18 County Superior Court, Respondent was convicted on her plea of guilty for violating Vehicle
19 Code 23152(b), driving under the influence of alcohol with a special allegation of blood level of
20 .15 or more under Vehicle Code, section 23548 and an allegation of DUI convictions within ten
21 years under Vehicle Code, section 23626 and Vehicle Code, section 23546;

22 d. In violation of Business and Professions Code, section 4301, subdivision (h),
23 Respondent used alcohol in a dangerous manner by driving under the influence on multiple
24 occasions as described in paragraphs a-c above, which are incorporated by reference.
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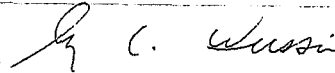
ORDER

IT IS SO ORDERED that Pharmacy Technician Registration No. TCH 23357 heretofore issued to Respondent Deborah Conner, is revoked.

Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a written motion requesting that the Decision be vacated and stating the grounds relied on within seven (7) days after service of the Decision on Respondent. The agency in its discretion may vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

This Decision shall become effective on August 5, 2010.

It is so ORDERED July 6, 2010.



STANLEY C. WEISSER, BOARD PRESIDENT
FOR THE BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS

Attachment: Exhibit A: Accusation No. 3581

Exhibit A
Accusation No. 3581

1 EDMUND G. BROWN JR.
Attorney General of California
2 LINDA K. SCHNEIDER
Supervising Deputy Attorney General
3 G. MICHAEL GERMAN
Deputy Attorney General
4 State Bar No. 103312
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7 Facsimile: (619) 645-2061
Attorneys for Complainant

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

11 In the Matter of the Accusation Against:

Case No. 3581

12 **DEBORAH CONNER**
10800 Woodside Ave #88
13 Santee, CA 92071

14 **Pharmacy Technician Registration No. TCH**
23357

A C C U S A T I O N

15 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 28, 1997, the Board of Pharmacy issued Pharmacy Technician
22 Registration Number TCH 23357 to Deborah Conner (Respondent). The Pharmacy Technician
23 Registration was in full force and effect at all times relevant to the charges brought herein and
24 will expire on June 30, 2011, unless renewed.

25 **JURISDICTION**

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

1 7. Section 490 of the Code of the Code provides, in pertinent part, that a board may
2 suspend or revoke a license on the ground that the licensee has been convicted of a crime
3 substantially related to the qualifications, functions, or duties of the business or profession for
4 which the license was issued.

5 8. Section 493 of the Code states:

6 Notwithstanding any other provision of law, in a proceeding conducted by a
7 board within the department pursuant to law to deny an application for a license or
8 to suspend or revoke a license or otherwise take disciplinary action against a
9 person who holds a license, upon the ground that the applicant or the licensee has
10 been convicted of a crime substantially related to the qualifications, functions, and
11 duties of the licensee in question, the record of conviction of the crime shall be
12 conclusive evidence of the fact that the conviction occurred, but only of that fact,
and the board may inquire into the circumstances surrounding the commission of
the crime in order to fix the degree of discipline or to determine if the conviction is
substantially related to the qualifications, functions, and duties of the licensee in
question.

13 As used in this section, "license" includes "certificate," "permit,"
14 "authority," and "registration."

15 9. Section 482 of the Code states:

16 Each board under the provisions of this code shall develop criteria to
17 evaluate the rehabilitation of a person when:

- 18 (a) Considering the denial of a license by the board under Section 480; or
- 19 (b) Considering suspension or revocation of a license under Section 490.

20 Each board shall take into account all competent evidence of rehabilitation
21 furnished by the applicant or licensee.

22 REGULATORY PROVISIONS

23 10. California Code of Regulations, title 16, section 1769, states:

24

25 (b) When considering the suspension or revocation of a facility or a personal
26 license on the ground that the licensee or the registrant has been convicted of a
27 crime, the board, in evaluating the rehabilitation of such person and his present
eligibility for a license will consider the following criteria:

- 28 (1) Nature and severity of the act(s) or offense(s).

1 (2) Total criminal record.

2 (3) The time that has elapsed since commission of the act(s) or offense(s).

3 (4) Whether the licensee has complied with all terms of parole, probation,
4 restitution or any other sanctions lawfully imposed against the licensee.

5 (5) Evidence, if any, of rehabilitation submitted by the licensee.

6 11. California Code of Regulations, title 16, section 1770, states:

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

12 **COST RECOVERY**

13 12. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
14 administrative law judge to direct a licentiate found to have committed a violation or violations of
15 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
16 enforcement of the case.

17 **FIRST CAUSE FOR DISCIPLINE**

18 (October 17, 2007 Criminal Conviction for DUI on September 26, 2007)

19 13. Respondent is subject to disciplinary action under sections 490 and 4301, subdivision
20 (l) of the Code in that she was convicted of a crime that is substantially related to the
21 qualifications, duties, and functions of a pharmacy technician. The circumstances are as follows:

22 a. On or about October 17, 2007, in a criminal proceeding entitled *People of the State of*
23 *California v. Deborah Conner*, in San Diego County Superior Court, case no. C274815,
24 Respondent was convicted on her plea of guilty for violating Vehicle Code section 23152 (b),
25 driving under the influence of alcohol with a special allegation of blood alcohol level of .15 or
26 more under Vehicle Code 23578.

1 home for driving under the influence. When Respondent was transported to jail, a breath test was
2 administered with results of .18 and .19—over twice the legal limit.

3 **THIRD CAUSE FOR DISCIPLINE**

4 (April 28, 2009 Criminal Conviction for DUI on March 13, 2009)

5 15. Respondent is subject to disciplinary action under sections 490 and 4301, subdivision
6 (l) of the Code in that she was convicted of a crime that is substantially related to the
7 qualifications, duties, and functions of a pharmacy technician. The circumstances are as follows:

8 a. On or about April 28, 2009, in a criminal proceeding entitled of *People of the State*
9 *California v. Deborah Conner*, in San Diego County Superior Court, case number C290030,
10 Respondent was convicted on her plea of guilty for violating Vehicle Code 23152(b), driving
11 under the influence of alcohol with a special allegation of blood alcohol level of .15 or more
12 under Vehicle Code 23548 and an allegation of DUI convictions within ten years under Vehicle
13 Code 23626 and Vehicle Code 23546.

14 b. As a result of the conviction, on or about April 28, 2009, Respondent was sentenced
15 to five years conditional probation, required to enroll in and complete a Multiple Conviction
16 Alcohol Program, complete MADD Victim Impact Panel, serve 180 days in jail, and pay a fine of
17 \$2,675.00.

18 c. The facts that led to the conviction were that on or about March 13, 2009, while on
19 probation for the convictions set forth in paragraphs 13 and 14 above, Respondent was driving
20 under the influence of alcohol, in the afternoon around a mobile home park where there were
21 children playing and other pedestrians present. The arresting police officer opined that “the
22 potential for injury to one of these pedestrians, because [Respondent] chose to drive under the
23 influence was great.” A preliminary alcohol screening was administered at the scene with results
24 of .200 and .195—over twice the legal limit.

1 FOURTH CAUSE FOR DISCIPLINE

2 (Use of Alcohol in Dangerous Manner)

3 16. Respondent is subject to disciplinary action under section 4301(h) of the Code in that
4 Respondent used alcohol in a dangerous manner by driving under the influence on multiple
5 occasions as described in paragraphs 13-15 above which are incorporated by reference.

6 DISCIPLINE CONSIDERATIONS

7 17. To determine the degree of discipline, if any, to be imposed on Respondent,
8 Complainant alleges that in or about 1996, in a prior criminal proceeding, Respondent was
9 convicted for driving under the influence and was sentenced to 5 years probation, to serve 2 days
10 in jail, to complete a First Offender Program, to complete 232 hours of volunteer work, and to
11 pay a fine of \$1,630.00.

12 PRAYER

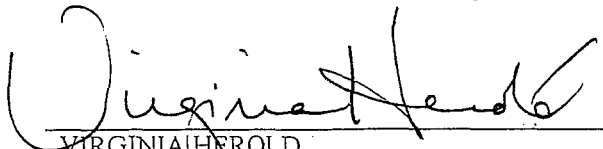
13 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
14 and that following the hearing, the Board of Pharmacy issue a decision:

15 1. Revoking or suspending Pharmacy Technician Registration Number TCH 23357,
16 issued to Deborah Conner.

17 2. Ordering Deborah Conner to pay the Board of Pharmacy the reasonable costs of the
18 investigation and enforcement of this case, pursuant to Business and Professions Code section
19 125.3;

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

21
22 DATED: 3/22/10


23 VIRGINIA HEROLD
24 Executive Officer
25 Board of Pharmacy
26 Department of Consumer Affairs
27 State of California
28 Complainant

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