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

In the Matter of the Accusation Against:

Case No. 3691

**DENISE RENE SANDOVAL  
301 Standiford #209  
Modesto, California 95350  
Pharmacy Technician Registration No. TCH 91445**

**DEFAULT DECISION AND  
ORDER**

[Gov. Code, §11520]

Respondent.

FINDINGS OF FACT

1. On or about June 9, 2010, Complainant Virginia Herold, in her official capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs, filed Accusation No. 3691 against Denise Rene Sandoval (Respondent) before the Board of Pharmacy.

2. On or about June 30, 2009, the Board of Pharmacy (Board) issued Pharmacy Technician Registration No. TCH 91445 to Respondent. The Pharmacy Technician Registration was in full force and effect at all times relevant to the charges brought herein and will expire on October 3, 2010, unless renewed.

3. On or about June 16, 2010, Lametric Broussard, an employee of the Department of Justice, served by Certified Mail and also by regular First Class mail, a copy of the Accusation No. 3691, Statement to Respondent, Notice of Defense, Request for Discovery, and Government Code sections 11507.5, 11507.6, and 11507.7 to Respondent's address of record with the Board, which was and is: 301 Standiford #209, Modesto, California 95350.

///

1 A copy of the Accusation is attached as exhibit A, and is incorporated herein by reference.

2 4. Service of the Accusation was effective as a matter of law under the provisions of  
3 Government Code section 11505, subdivision (c).

4 5. On or about June 17, 2010, a Return Receipt for the certified mail service of the  
5 aforementioned documents signed by a Dolores Sandoval was received by the Department of  
6 Justice. To date, no Notice of Defense has been received from or on behalf of Respondent.

7 6. Government Code section 11506 states, in pertinent part:

8 (c) The respondent shall be entitled to a hearing on the merits if the respondent  
9 files a notice of defense, and the notice shall be deemed a specific denial of all parts  
10 of the accusation not expressly admitted. Failure to file a notice of defense shall  
11 constitute a waiver of respondent's right to a hearing, but the agency in its discretion  
12 may nevertheless grant a hearing.

13 7. Respondent failed to file a Notice of Defense within fifteen (15) days after service  
14 upon her of the Accusation, and therefore waived her right to a hearing on the merits of  
15 Accusation No. 3691.

16 8. California Government Code section 11520 states, in pertinent part:

17 (a) If the respondent either fails to file a notice of defense or to appear at the  
18 hearing, the agency may take action based upon the respondent's express admissions  
19 or upon other evidence and affidavits may be used as evidence without any notice to  
20 respondent.

21 9. Pursuant to its authority under Government Code section 11520, the Board finds  
22 Respondent is in default. The Board will take action without further hearing and, based on the  
23 evidence on file herein, finds that the allegations in Accusation No. 3691 are true.

24 10. The total cost for investigation and enforcement in connection with the Accusation  
25 are \$1,185.80 as of July 30, 2010.

26 DETERMINATION OF ISSUES

27 1. Based on the foregoing findings of fact, Respondent Denise Rene Sandoval has  
28 subjected her Pharmacy Technician Registration No. TCH 91445 to discipline.

29 2. A copy of the Accusation is attached.

30 3. The agency has jurisdiction to adjudicate this case by default.

31 ///



Exhibit A  
Accusation No. 3691

1 EDMUND G. BROWN JR.  
Attorney General of California  
2 ARTHUR D. TAGGART  
Supervising Deputy Attorney General  
3 STERLING A. SMITH  
Deputy Attorney General  
4 State Bar No. 84287  
1300 I Street, Suite 125  
5 P.O. Box 944255  
Sacramento, CA 94244-2550  
6 Telephone: (916) 445-0378  
Facsimile: (916) 327-8643  
7 *Attorneys for Complainant*

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

11 In the Matter of the Accusation Against:  
12 **DENISE RENE SANDOVAL**  
13 **301 Standiford, #209**  
14 **Modesto, California 95350**  
15 **Pharmacy Technician License No. 91445**  
Respondent.

Case No. 3691

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

17 Complainant alleges:

18 PARTIES

- 19 1. Virginia K. Herold (Complainant) brings this Accusation solely in her official  
20 capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs.  
21 2. On or about June 30, 2009, the Board of Pharmacy issued Pharmacy Technician  
22 License No. TCH 91445 to Denise Rene Sandoval (Respondent). The Pharmacy Technician  
23 License was in full force and effect at all times relevant to the charges brought herein and will  
24 expire on December 31, 2010, unless renewed.

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JURISDICTION

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

5           4. Section 4300 of the Code states, in pertinent part:

6                 (a) Every license issued may be suspended or revoked.

7                 (b) The Board shall discipline the holder of any license issued by the Board, whose  
8 default has been entered or whose case has been heard by the Board and found guilty, by any of  
9 the following methods:

10                     (1) Suspending judgment.

11                     (2) Placing him or her upon probation.

12                     (3) Suspending his or her right to practice for a period not exceeding one year.

13                     (4) Revoking his or her license.

14                     (5) Taking any other action in relation to disciplining him or her as the Board in its  
15 discretion may deem proper.

16           5. Section 4301 of the Code states, in pertinent part:

17                 The Board shall take action against any holder of a license who is guilty of  
18 unprofessional conduct or whose license has been procured by fraud or misrepresentation or  
19 issued by mistake. Unprofessional conduct shall include, but is not limited to, any of the  
20 following:

21                 ...

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

25                 ...

26                 (h) The administering to oneself, of any controlled substance, or the use of any  
27 dangerous drug or of alcoholic beverages to the extent or in a manner as to be dangerous or  
28 injurious to oneself, to a person holding a license under this chapter, or to any other person or to

1 the public, or to the extent that the use impairs the ability of the person to conduct with safety to  
2 the public the practice authorized by the license.

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

20 6. Section 111, subdivision (b) of the Code provides, in pertinent part, that "the  
21 suspension, expiration, or forfeiture by operation of law of a license issued by a board in the  
22 department, or its suspension, forfeiture, or cancellation by order of the Board or by order of a  
23 court of law, or its surrender without the written consent of the Board, shall not, during any  
24 period in which it may be renewed, restored, reissued, or reinstated, deprive the Board of its  
25 authority to institute or continue a disciplinary proceeding against the licensee upon any ground  
26 provided by law or to enter an order suspending or revoking the license or otherwise taking  
27 disciplinary action against the licensee on any such ground".

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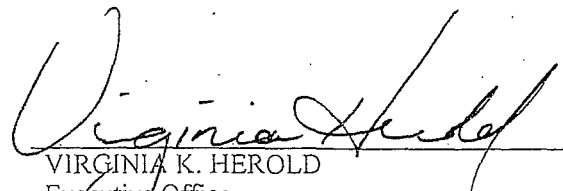


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B. Ordering Respondent Denise Sandoval to pay the Board of Pharmacy the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;

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

DATED: 6/9/10



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

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