



**California State Board of Pharmacy**  
 1625 N. Market Blvd, N219, Sacramento, CA 95834  
 Phone: (916) 574-7900  
 Fax: (916) 574-8618  
 www.pharmacy.ca.gov

STATE AND CONSUMER SERVICES AGENCY  
 DEPARTMENT OF CONSUMER AFFAIRS  
 GOVERNOR EDMUND G. BROWN JR.

**APPLICATION FOR VOLUNTARY SURRENDER OF PHARMACY TECHNICIAN LICENSE**

PLEASE PRINT IN BLACK OR BLUE INK OR TYPE YOUR RESPONSES

Name: <u>Trena Michelle Ochoa</u>	Case No. <u>SI 3519</u>
Address of Record: <u>1929 Shushan Dr.</u> <u>Ceres, CA 95307</u>	

Pursuant to the terms and conditions of my probation with the California State Board of Pharmacy (Board) in Case No. SI 3519, I hereby request to surrender my pharmacy technician license; License No. TCH124153. The Board or its designee shall have the discretion whether to grant the request for surrender or take any other action it deems appropriate and reasonable. Upon formal acceptance of the surrender of the license, I will no longer be subject to the terms and conditions of probation. I understand that this surrender constitutes a record of discipline and shall become a part of my license history with the Board.

Upon the acceptance of the surrender, I shall relinquish my pharmacy technician license to the Board within ten (10) days of notification by the Board that the surrender is accepted. I understand that I may not reapply for any license, permit, or registration from the board for three (3) years from the effective date of the surrender. I further understand that I shall meet all requirements applicable to the license sought as of the date the application for that license is submitted to the Board.

PLEASE BE ADVISED THAT YOU ARE NOT RELIEVED OF THE REQUIREMENTS OF YOUR PROBATION UNLESS THE BOARD NOTIFIES YOU THAT YOUR REQUEST TO SURRENDER YOUR LICENSE HAS BEEN ACCEPTED.

Trena M. Ochoa  
 Applicant's Signature

4-2-2013  
 Date

Virginia Heald  
 Executive Officer's Approval

4/8/13  
 Date

All items on this application are mandatory in accordance with your probationary order and the Board's Disciplinary Guidelines as authorized by Title 16, California Code of Regulations section 1760. Failure to provide any of the requested information or providing unreadable information will result in the application being rejected as incomplete. The information provided on this form will be used to determine eligibility for surrender. The official responsible for information maintenance is the Executive Officer, telephone (916) 574-7900, 1625 N. Market Blvd., Suite N-219, Sacramento, CA 95834. The information you provide may also be disclosed in the following circumstances: (1) in response to a Public Records Act request; (2) to another government agency as required by state or federal law; or, (3) in response to a court or administrative order, a subpoena, or a search warrant. Each individual has the right to review the files or records maintained on them by our agency, unless the records are identified as confidential information and exempted by Section 1798.40 of the Civil Code.

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

In the Matter of the Statement of Issues Against:

Case No. 3519

**TRENA MICHELLE OCHOA**  
**a.k.a. TRENA MICHELLE COLE**  
**a.k.a. TRENA MICHELLE MEAS**  
2717 Roeding Rd. #104  
Ceres, CA 95307

Pharmacy Technician Applicant

Respondent.

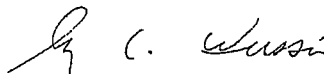
**DECISION AND ORDER**

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 August 19, 2011.

It is so ORDERED July 20, 2011.

BOARD OF PHARMACY  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA



By

\_\_\_\_\_  
STANLEY C. WEISSER  
Board President

1 KAMALA D. HARRIS  
Attorney General of California  
2 ARTHUR D. TAGGART  
Supervising Deputy Attorney General  
3 GEOFFREY S. ALLEN  
Deputy Attorney General  
4 State Bar No. 193338  
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5 P.O. Box 944255  
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6 Telephone: (916) 324-5341  
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7 E-mail: Geoffrey.Allen@doj.ca.gov  
*Attorneys for Complainant*

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

11 In the Matter of the Statement of Issues  
12 Against:

Case No. 3519

13 **TRENA MICHELLE OCHOA**  
14 **a.k.a. TRENA MICHELLE COLE**  
**a.k.a. TRENA MICHELLE MEAS**

OAH No. 2011021025

**STIPULATED SETTLEMENT AND  
DISCIPLINARY ORDER**

15 Respondent.

16  
17 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-  
18 entitled proceedings that the following matters are true:

19 PARTIES

20 1. Virginia Herold (Complainant) is the Executive Officer of the Board of Pharmacy.  
21 She brought this action solely in her official capacity and is represented in this matter by Kamala  
22 D. Harris, Attorney General of the State of California, by Geoffrey S. Allen, Deputy Attorney  
23 General.

24 2. Respondent Trena Michelle Ochoa a.k.a. Trena Michelle Cole a.k.a. Trena Michelle  
25 Meas (Respondent) is representing herself in this proceeding and has chosen not to exercise her  
26 right to be represented by counsel.



CONTINGENCY

1  
2       10. This stipulation shall be subject to approval by the Board. Respondent understands  
3 and agrees that counsel for Complainant and the staff of the Board may communicate directly  
4 with the Board regarding this stipulation and settlement, without notice to or participation by  
5 Respondent. By signing the stipulation, Respondent understands and agrees that she may not  
6 withdraw her agreement or seek to rescind the stipulation prior to the time the Board considers  
7 and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order, the  
8 Stipulated Settlement and Disciplinary Order shall be of no force or effect, except for this  
9 paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not  
10 be disqualified from further action by having considered this matter.

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

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

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

DISCIPLINARY ORDER

23  
24       IT IS HEREBY ORDERED that upon satisfaction of all statutory and regulatory  
25 requirements for issuance of a Pharmacy Technician License, a Pharmacy technician License  
26 shall be issued to Respondent and immediately revoked; the order of revocation is stayed and the  
27 Respondent placed on five (5) years probation upon the following terms and conditions:

28     ///

1           **1.     Certification Prior to Resuming Work**

2           Respondent shall be automatically suspended from working as a pharmacy technician until  
3 she is certified as defined by Business and Professions Code section 4202, subd. (a)(4), and  
4 provides satisfactory proof of certification to the Board. Respondent shall not resume working as  
5 a pharmacy technician until notified by the Board. Failure to achieve certification within one (1)  
6 year shall be considered a violation of probation. Respondent shall not resume working as a  
7 pharmacy technician until notified by the Board.

8           During suspension, Respondent shall not enter any pharmacy area or any portion of any  
9 other Board licensed premises (wholesaler, veterinary food-animal drug retailer or any other  
10 distributor of drugs) any drug manufacturer, or any other location where dangerous drugs and  
11 devices or controlled substances are maintained. Respondent shall not do any act involving drug  
12 selection, selection of stock, manufacturing, compounding or dispensing; nor shall Respondent  
13 manage, administer, or assist any licensee of the board. Respondent shall not have access to or  
14 control the ordering, manufacturing or dispensing of dangerous drugs and devices or controlled  
15 substances. Respondent shall not resume work until notified by the Board.

16           Subject to the above restrictions, Respondent may continue to own or hold an interest in  
17 any licensed premises by the Board in which she holds an interest at the time this decision  
18 becomes effective unless otherwise specified in this order.

19           Failure to comply with this suspension shall be considered a violation of probation.

20           **2.     Obey All Laws**

21           Respondent shall obey all state and federal laws and regulations.

22           Respondent shall report any of the following occurrences to the Board, in writing, within  
23 seventy-two (72) hours of such occurrence:

- 24            an arrest or issuance of a criminal complaint for violation of any provision of the  
25 Pharmacy Law, state and federal food and drug laws, or state and federal controlled  
26 substances laws  
27            a plea of guilty or nolo contendere in any state or federal criminal proceeding to any  
28 criminal complaint, information or indictment

- 1            a conviction of any crime  
2            discipline, citation, or other administrative action filed by any state or federal agency  
3           which involves Respondent's Pharmacy Technician License or which is related to the  
4           practice of pharmacy or the manufacturing, obtaining, handling, distributing, billing,  
5           or charging for any drug, device or controlled substance.

6           Failure to timely report any such occurrence shall be considered a violation of probation.

7           **3. Report to the Board**

8           Respondent shall report to the Board quarterly, on a schedule as directed by the Board or its  
9           designee. The report shall be made either in person or in writing, as directed. Among other  
10          requirements, Respondent shall state in each report under penalty of perjury whether there has  
11          been compliance with all the terms and conditions of probation. Failure to submit timely reports  
12          in a form as directed shall be considered a violation of probation. Any period(s) of delinquency  
13          in submission of reports as directed may be added to the total period of probation. Moreover, if  
14          the final probation report is not made as directed, probation shall be automatically extended until  
15          such time as the final report is made and accepted by the Board.

16          **4. Interview with the Board**

17          Upon receipt of reasonable prior notice, Respondent shall appear in person for interviews  
18          with the board or its designee, at such intervals and locations as are determined by the Board or  
19          its designee. Failure to appear for any scheduled interview without prior notification to Board  
20          staff, or failure to appear at two (2) or more scheduled interviews with the Board or its designee  
21          during the period of probation, shall be considered a violation of probation.

22          **5. Cooperate with Board Staff**

23          Respondent shall cooperate with the Board's inspection program and with the Board's  
24          monitoring and investigation of Respondent's compliance with the terms and conditions of her  
25          probation. Failure to cooperate shall be considered a violation of probation.

26          **6. Notice to Employers**

27          During the period of probation, Respondent shall notify all present and prospective  
28          employers of the decision in Board case number 3519 and the terms, conditions and restrictions

1 imposed on Respondent by the decision, as follows:

2       Within thirty (30) days of the effective date of this decision, and within fifteen (15) days of  
3 Respondent undertaking any new employment, Respondent shall cause her direct supervisor,  
4 pharmacist-in-charge (including each new pharmacist-in-charge employed during respondent's  
5 tenure of employment) and owner to report to the Board in writing acknowledging that the listed  
6 individual(s) has/have read the decision in Board case number 3519 and the terms and conditions  
7 imposed thereby. It shall be Respondent's responsibility to ensure that her employer(s) and/or  
8 supervisor(s) submit timely acknowledgement(s) to the Board.

9       If Respondent works for or is employed by or through a pharmacy employment service,  
10 Respondent must notify her direct supervisor, pharmacist-in-charge and owner at every pharmacy  
11 of the terms and conditions of the decision in Board case number 3519 in advance of the  
12 Respondent commencing work at each pharmacy. A record of this notification must be provided  
13 to the Board upon request.

14       Furthermore, within thirty (30) days of the effective date of this decision, and within fifteen  
15 (15) days of Respondent undertaking any new employment by or through a pharmacy  
16 employment service, Respondent shall cause her direct supervisor with the pharmacy  
17 employment service to report to the Board in writing acknowledging that she has read the  
18 decision in Board case number 3519 and the terms and conditions imposed thereby. It shall be  
19 Respondent's responsibility to ensure that her employer(s) and/or supervisor(s) submit timely  
20 acknowledgment(s) to the Board.

21       Failure to timely notify present or prospective employer(s) or to cause that/those  
22 employer(s) to submit timely acknowledgements to the Board shall be considered a violation of  
23 probation.

24       "Employment" within the meaning of this provision shall include any full-time,  
25 part-time, temporary or relief service or pharmacy management service as a pharmacy  
26 technician or in any position for which a pharmacy technician license is a requirement  
27 or criterion for employment, whether the respondent is considered an employee,  
28 independent contractor or volunteer.



1           7.     **Probation Monitoring Costs**

2           Respondent shall pay any costs associated with probation monitoring as determined by the  
3 Board each and every year of probation. Such costs shall be payable to the Board on a schedule  
4 as directed by the Board or its designee. Failure to pay such costs by the deadline(s) as directed  
5 shall be considered a violation of probation.

6           8.     **Status of License**

7           Respondent shall, at all times while on probation, maintain an active, current pharmacy  
8 technician license with the Board, including any period during which suspension or probation is  
9 tolled. Failure to maintain an active, current license shall be considered a violation of probation.

10          If Respondent's Pharmacy Technician License expires or is cancelled by operation of law  
11 or otherwise at any time during the period of probation, including any extensions thereof due to  
12 tolling or otherwise, upon renewal or reapplication Respondent's Pharmacy Technician License  
13 shall be subject to all terms and conditions of this probation not previously satisfied.

14          9.     **License Surrender While on Probation/Suspension**

15          Following the effective date of this decision, should Respondent cease work due to  
16 retirement or health, or be otherwise unable to satisfy the terms and conditions of probation,  
17 Respondent may tender her Pharmacy Technician License to the Board for surrender. The Board  
18 or its designee shall have the discretion whether to grant the request for surrender or take any  
19 other action it deems appropriate and reasonable. Upon formal acceptance of the surrender of the  
20 Pharmacy Technician License, Respondent will no longer be subject to the terms and conditions  
21 of probation. This surrender constitutes a record of discipline and shall become a part of the  
22 Respondent's license history with the Board.

23          Upon acceptance of the surrender, Respondent shall relinquish her Pharmacy Technician  
24 License to the Board within ten (10) days of notification by the Board that the surrender is  
25 accepted. Respondent may not reapply for any license, permit, or registration from the Board for  
26 three (3) years from the effective date of the surrender. Respondent shall meet all requirements  
27 applicable to the license sought as of the date the application for that license is submitted to the  
28 Board.

1           10.   **Notification of a Change in Name, Residence Address, Mailing Address or**  
2           **Employment**

3           Respondent shall notify the Board in writing within ten (10) days of any change of  
4           employment. Said notification shall include the reasons for leaving, the address of the new  
5           employer, the name of the supervisor and owner, and the work schedule if known. Respondent  
6           shall further notify the Board in writing within ten (10) days of a change in name, residence  
7           address and mailing address, or phone number.

8           Failure to timely notify the Board of any change in employer(s), name(s), address(es), or  
9           phone number(s) shall be considered a violation of probation.

10           11.   **Tolling of Probation**

11           Except during periods of suspension, Respondent shall, at all times while on probation, be  
12           employed as a pharmacy technician in California for a minimum of twenty (20) hours per  
13           calendar month. Any month during which this minimum is not met shall toll the period of  
14           probation, i.e., the period of probation shall be extended by one month for each month during  
15           which this minimum is not met. During any such period of tolling of probation, Respondent must  
16           nonetheless comply with all terms and conditions of probation.

17           Should Respondent, regardless of residency, for any reason (including vacation) cease  
18           working as a pharmacy technician for a minimum of twenty (20) hours per calendar month in  
19           California, Respondent must notify the Board in writing within ten (10) days of cessation of work  
20           and must further notify the Board in writing within ten (10) days of the resumption of the work.  
21           Any failure to provide such notification(s) shall be considered a violation of probation.

22           It is a violation of probation for Respondent's probation to remain tolled pursuant to the  
23           provisions of this condition for a total period, counting consecutive and non-consecutive months,  
24           exceeding thirty-six (36) months.

25           "Cessation of work" means calendar month during which respondent is not  
26           working for at least twenty (20) hours as a pharmacy technician, as defined in  
27           Business and Professions Code section 4115. "Resumption of work" means any  
28           calendar month during which respondent is working as a pharmacy technician for at

1 least twenty (20) hours as a pharmacy technician as defined by Business and  
2 Professions Code section 4115.

3 **12. Violation of Probation**

4 If a Respondent has not complied with any term or condition of probation, the Board shall  
5 have continuing jurisdiction over Respondent, and probation shall automatically be extended,  
6 until all terms and conditions have been satisfied or the Board has taken other action as deemed  
7 appropriate to treat the failure to comply as a violation of probation, to terminate probation, and  
8 to impose the penalty that was stayed.

9 If Respondent violates probation in any respect, the Board, after giving respondent notice  
10 and an opportunity to be heard, may revoke probation and carry out the disciplinary order that  
11 was stayed. Notice and opportunity to be heard are not required for those provisions stating that a  
12 violation thereof may lead to automatic termination of the stay and/or revocation of the Pharmacy  
13 Technician License. If a petition to revoke probation or an accusation is filed against Respondent  
14 during probation, the Board shall have continuing jurisdiction, and the period of probation shall  
15 be automatically extended until the petition to revoke probation or accusation is heard and  
16 decided.

17 **13. Completion of Probation**

18 Upon written notice by the Board indicating successful completion of probation,  
19 Respondent's Pharmacy Technician License will be fully restored.

20 **14. No Ownership of Licensed Premises**

21 Respondent shall not own, have any legal or beneficial interest in, or serve as a manager,  
22 administrator, member, officer, director, trustee, associate, or partner of any business, firm,  
23 partnership, or corporation currently or hereinafter licensed by the board. Respondent shall sell  
24 or transfer any legal or beneficial interest in any entity licensed by the Board within ninety (90)  
25 days following the effective date of this decision and shall immediately thereafter provide written  
26 proof thereof to the board. Failure to timely divest any legal or beneficial interest(s) or provide  
27 documentation thereof shall be considered a violation of probation.

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1           15.   **Community Services Program**

2           Within sixty (60) days of the effective date of this decision, Respondent shall submit to the  
3 Board or its designee, for prior approval, a community service program in which Respondent  
4 shall provide free health-care related services on a regular basis to a community or charitable  
5 facility or agency for at least fifty (50) hours per year for the first two (2) years of probation.  
6 Within thirty (30) days of Board approval thereof, Respondent shall submit documentation to the  
7 board demonstrating commencement of the community service program. A record of this  
8 notification must be provided to the Board upon request. Respondent shall report on progress  
9 with the community service program in the quarterly reports. Failure to timely submit,  
10 commence, or comply with the program shall be considered a violation of probation.

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ACCEPTANCE

I have carefully read the Stipulated Settlement and Disciplinary Order. I understand the stipulation and the effect it will have on my Application. I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board of Pharmacy.

DATED: 5/12/2011 Trena M. Ochoa  
TRENA MICHELLE OCHOA  
Respondent

ENDORSEMENT

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

Dated: May 17  
~~April~~ \_\_, 2011

Respectfully submitted,

KAMALA D. HARRIS  
Attorney General of California  
ARTHUR D. TAGGART  
Supervising Deputy Attorney General

Geoffrey S. Allen  
GEOFFREY S. ALLEN  
Deputy Attorney General  
*Attorneys for Complainant*

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Exhibit A

Statement of Issues No. 3519

1 EDMUND G. BROWN JR.  
Attorney General of California  
2 ARTHUR D. TAGGART  
Supervising Deputy Attorney General  
3 GEOFFREY S. ALLEN  
Deputy Attorney General  
4 State Bar No. 193338  
1300 I Street, Suite 125  
5 P.O. Box 944255  
Sacramento, CA 94244-2550  
6 Telephone: (916) 324-5341  
Facsimile: (916) 327-8643  
7 E-mail: Geoffrey.Allen@doj.ca.gov  
*Attorneys for Complainant*

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9 **BEFORE THE**  
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13 **TRENA MICHELLE OCHOA**  
14 **a.k.a. TRENA MICHELLE COLE**  
15 **a.k.a. TRENA MICHELLE MEAS**  
16 **P.O. Box 3216**  
**Ceres, California 95307**

**STATEMENT OF ISSUES**

17 Respondent.

18 Complainant alleges:

19 PARTIES

- 20 1. Virginia Herold (Complainant) brings this Statement of Issues solely in her official  
21 capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs.  
22 2. On or about April 23, 2008, the Board of Pharmacy, Department of Consumer Affairs  
23 received an Application for Registration as a Pharmacy Technician (Application) from Trena  
24 Michelle Ochoa a.k.a. Trena Michelle Cole a.k.a. Trena Michelle Meas (Respondent). On or  
25 about April 13, 2008, Respondent certified under penalty of perjury to the truthfulness of all  
26 statements, answers, and representations in the application. The Board denied the Application on  
27 August 26, 2009.  
28

JURISDICTION

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

5           4.     Code section 4300, in pertinent part, states:

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,  
8 whose default has been entered or whose case has been heard by the board and found  
9 guilty, by any of 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  
15 its discretion may deem proper.

16                   (c) The board may refuse a license to any applicant guilty of unprofessional  
17 conduct. The board may, in its sole discretion, issue a probationary license to any  
18 applicant for a license who is guilty of unprofessional conduct and who has met all  
19 other requirements for licensure. The board may issue the license subject to any  
20 terms or conditions not contrary to public policy, including, but not limited to, the  
21 following:

- 22                   (1) Medical or psychiatric evaluation.  
23                   (2) Continuing medical or psychiatric treatment.  
24                   (3) Restriction of type or circumstances of practice.  
25                   (4) Continuing participation in a board-approved rehabilitation program.  
26                   (5) Abstention from the use of alcohol or drugs.  
27                   (6) Random fluid testing for alcohol or drugs.  
28                   (7) Compliance with laws and regulations governing the practice of pharmacy.

                 (d) The board may initiate disciplinary proceedings to revoke or suspend any  
probationary certificate of licensure for any violation of the terms and conditions of  
probation. Upon satisfactory completion of probation, the board shall convert the  
probationary certificate to a regular certificate, free of conditions.

                 (e) The proceedings under this article shall be conducted in accordance with  
Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of the  
Government Code, and the board shall have all the powers granted therein. The  
action shall be final, except that the propriety of the action is subject to review by the  
superior court pursuant to Section 1094.5 of the Code of Civil Procedure.

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5. Code section 4301, in pertinent part, states:

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

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

.....  
(j) The violation of any of the statutes of this state, or any other state, or of the United States regulating controlled substances and dangerous drugs.

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

.....  
6. Code section 480, in pertinent part, states:

(a) A board may deny a license regulated by this code on the grounds that the applicant has one of the following:

(1) Been convicted of a crime. A conviction within the meaning of this section means a plea or verdict of guilty or a conviction following a plea of nolo contendere.

1 Any action which a board is permitted to take following the establishment of a  
2 conviction may be taken when the time for appeal has elapsed, or the judgment of  
3 conviction has been affirmed on appeal, or when an order granting probation is made  
4 suspending the imposition of sentence, irrespective of a subsequent order under the  
5 provisions of Section 1203.4 of the Penal Code.

(2) Done any act involving dishonesty, fraud or deceit with the intent to  
substantially benefit himself or another, or substantially injure another; or

(3)(A) Done any act which if done by a licentiate of the business or profession  
in question, would be grounds for suspension or revocation of license.

(B) The board may deny a license pursuant to this subdivision only if the crime  
or act is substantially related to the qualifications, functions or duties of the business  
or profession for which application is made.

8  
9  
10 (c) A board may deny a license regulated by this code on the ground that the  
11 applicant knowingly made a false statement of fact required to be revealed in the  
12 application for such license.

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

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

17 8. Section 125.3 of the Code states, in pertinent part, that the Board may request the  
18 administrative law judge to direct a licentiate found to have committed a violation or violations of  
19 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
20 enforcement of the case.

#### 21 FIRST CAUSE FOR DENIAL OF APPLICATION

##### 22 (Criminal Conviction)

23 9. Respondent's application is subject to denial under Code sections 480, subds. (a)(1)  
24 and (a)(3); 4300, subd. (c); and 4301, subds. (l) in that on or about January 26, 2004, in a criminal  
25 proceeding entitled *People v. Trena Michelle Meal* in Stanislaus County Superior Court, Case  
26 Number 1066016, Respondent was convicted by plea of guilty of violating Penal Code section  
27 459 (Burglary), a felony; Penal Code section 470, subd. (d) (Forgery of Order for Payment), a  
28 felony; and Health and Safety Code section 11364 (possession of a controlled substance pipe), a

1 misdemeanor. The circumstances are that on or about October 18, 2003, Respondent presented  
2 two checks payable to Respondent to be cashed at Money Mart in Ceres, California. Per Money  
3 Mart policy, the clerk contacted the payee to verify the authenticity of the checks; both checks  
4 were drawn upon the same account. The payee indicated that the checks were stolen and forged,  
5 and contacted the Ceres Police Department. Officer Carrico of the Ceres Police Department  
6 arrested Respondent at Money Mart. Officer Carrico searched Respondent incident to her arrest  
7 and found upon her person controlled substance paraphernalia, namely two glass crank pipes.

8 SECOND CAUSE FOR DENIAL OF APPLICATION

9 (Violation of Controlled Substance Laws)

10 10. Respondent's application is subject to denial under Code sections 480, subds. (a)(1)  
11 and (a)(3); 4300, subd. (c); and 4301, subd. (j) in that on or about October 18, 2003, Respondent  
12 was found in possession of controlled substance paraphernalia, namely two glass crank pipes.  
13 The circumstances are detailed above in paragraph 9.

14 THIRD CAUSE FOR DENIAL OF APPLICATION

15 (Act involving Dishonesty, Fraud or Deceit)

16 11. Respondent's application is subject to denial under Code sections 480, subds. (a)(1),  
17 (a)(2) and (a)(3); 4300, subd. (c); and 4301, subd. (h) in that on or about October 18, 2003,  
18 Respondent attempted to cash two stolen and forged checks that were payable to herself.  
19 Respondent knew or should have known the checks to be stolen and/or forged. The  
20 circumstances are detailed above in paragraph 9.

21 PRAYER

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

24 1. Denying the Application of Trena Michelle Ochoa a.k.a. Trena Michelle Cole a.k.a.  
25 Trena Michelle Meas for Registration as a Pharmacy Technician; and,

26 ///

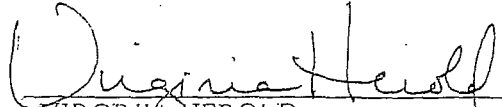
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2. Taking such other and further action as deemed necessary and proper.

DATED: 2/18/10



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

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