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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. 4435

**MIKIAS W. WONJI
14568 Corvallis Street
San Leandro, CA 94579
Pharmacy Technician Registration No. TCH
94133**

DEFAULT DECISION AND ORDER

[Gov. Code, §11520]

Respondent.

FINDINGS OF FACT

1. On or about November 19, 2012, Complainant Virginia K. Herold, in her official capacity as the Executive Officer of the Board of Pharmacy (Board), Department of Consumer Affairs, filed Accusation No. 4435 against Mikias W. Wonji (Respondent) before the Board of Pharmacy. (Accusation attached as Exhibit A.)

2. On or about June 25, 2010, the Board Technician Registration No. TCH 94133 to Respondent. The Pharmacy Technician Registration was in full force and effect at all times

1 relevant to the charges brought in Accusation No. 4435 and will expire on December 31, 2013,
2 unless renewed.

3 3. On or about December 3, 2012, Respondent was served by Certified and First Class
4 Mail copies of the Accusation No. 4435, Statement to Respondent, Notice of Defense, Request
5 for Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6, and
6 11507.7) at Respondent's address of record which, pursuant to Business and Professions Code
7 section 4100, is required to be reported and maintained with the Board. Respondent's address of
8 record was and is: 14568 Corvallis Street, San Leandro, CA 94579.

9 4. Service of the Accusation was effective as a matter of law under the provisions of
10 Government Code section 11505, subdivision (c) and/or Business & Professions Code section
11 124.

12 5. Government Code section 11506 states, in pertinent part:

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

18 6. Respondent failed to file a Notice of Defense within 15 days after service upon him
19 of the Accusation, and therefore waived his right to a hearing on the merits of Accusation No.
20 4435.

21 7. California Government Code section 11520 states, in pertinent part:

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

26 8. Pursuant to its authority under Government Code section 11520, the Board finds
27 Respondent is in default. The Board will take action without further hearing and, based on the
28 relevant evidence contained in the Default Decision Evidence Packet in this matter, as well as
taking official notice of all the investigatory reports, exhibits and statements contained therein on
file at the Board's offices regarding the allegations contained in Accusation No. 4435, finds that
the charges and allegations in Accusation No. 4435, are separately and severally, found to be true

1 and correct by clear and convincing evidence.

2 9. Taking official notice of its own internal records, pursuant to Business and
3 Professions Code section 125.3, it is hereby determined that the reasonable costs for Investigation
4 and Enforcement is \$2,052.25 as of January 18, 2013.

5 DETERMINATION OF ISSUES

6 1. Based on the foregoing findings of fact, Respondent Mikias W. Wonji has subjected
7 his Pharmacy Technician Registration No. TCH 94133 to discipline.

8 2. The agency has jurisdiction to adjudicate this case by default.

9 3. The Board of Pharmacy is authorized to revoke Respondent's Pharmacy Technician
10 Registration based upon the following violations alleged in the Accusation which are supported
11 by the evidence contained in the Default Decision Evidence Packet in this case.:

12 a. Respondent's Pharmacy Technician Registration is subject to revocation pursuant to
13 Business and Professions Code section 4301, subdivision (l), and/or section 490, because on or
14 about February 24, 2012, in criminal case *People v. Mikias Wubshet Wonji*, Case No. 572496, in
15 Alameda County Superior Court, Respondent was convicted of violating Vehicle Code section
16 23152, subdivision (a) (Driving under the influence of alcohol or drugs), a misdemeanor.

17 b. Respondent's Pharmacy Technician Registration is subject to revocation pursuant to
18 Business and Professions Code section 4301, subdivision (h), because Respondent, as described
19 above, used alcoholic beverages in a dangerous or injurious manner.

20 c. Respondent's Pharmacy Technician Registration is subject to revocation pursuant to
21 Business and Professions Code section 4301, because Respondent, as described above, engaged
22 in unprofessional conduct.

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ORDER

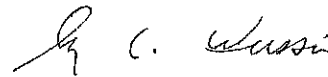
IT IS SO ORDERED that Pharmacy Technician Registration No. TCH 94133, heretofore issued to Respondent Mikias W. Wonji, is revoked.

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 April 17, 2013.

It is so ORDERED ON March 18, 2013.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA



By

STANLEY C. WEISSER
Board President

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DOJ Matter ID:SF2012402727

Attachment:
Exhibit A: Accusation

Exhibit A

Accusation

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Attorneys for Complainant

7
8 **BEFORE THE**
BOARD OF PHARMACY
9 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

10 In the Matter of the Accusation Against:

Case No. 4435

11 **MIKIAS W. WONJI**
12 **14568 Corvallis Street**
13 **San Leandro, CA 94579**

A C C U S A T I O N

14 **Pharmacy Technician License No. TCH**
15 **94133**

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 June 25, 2010, the Board of Pharmacy issued Pharmacy Technician
22 Registration Number TCH 94133 to Mikias W. Wonji (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 December 31, 2013, 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 license was issued.

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

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

9 COST RECOVERY

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

14 FACTUAL BACKGROUND

15 10. On or about July 11, 2011, Respondent was pulled over for driving without his
16 vehicle's headlights on. Upon contact, the officer detected the odor of an alcoholic beverage
17 coming from inside the vehicle. Respondent denied any alcohol consumption. The officer ran
18 Respondent's information and learned that Respondent was on probation for two prior DUI
19 offenses. Respondent's probation terms stipulated that he could not have alcohol in his system
20 while driving and that he could only drive a vehicle during the course of employment. After
21 subsequent questioning, Respondent stated he was on his way to a night club and admitted to
22 having had three beers.

23 11. Respondent failed field sobriety testing and was transported to the county jail. At the
24 jail, the officer attempted to administer an alcohol screening test as required by Respondent's
25 DUI probation terms. Respondent failed to provide more than one breath sample. Instead of
26 exhaling, Respondent inhaled, causing the officer to believe that Respondent was refusing to
27 provide a breath sample so as to delay the testing process. Breath testing at the county jail
28 provided his blood alcohol level to be .11%.

1 FIRST CAUSE FOR DISCIPLINE

2 (Conviction of Substantially Related Crime(s))

3 12. Respondent is subject to disciplinary action under section 4301, subdivision (l) and/or
4 section 490 of the Code, by reference to California Code of Regulations, title 16, section 1770,
5 for the conviction of substantially related crime(s), in that on or about February 24, 2012, in the
6 criminal case *People v. Mikias Wubshet Wonji*, Case No. 572496 in Alameda County Superior
7 Court, Respondent was convicted on the basis of the conduct described in paragraphs 10-11 of
8 violating Vehicle Code section 23152, subdivision (a) (Driving under the influence of alcohol or
9 drugs), a misdemeanor, with enhancements of refusal to submit to a chemical test and two prior
10 convictions, as follows:

11 a. On or about August 3, 2011, based on the conduct described in paragraphs 10-
12 11, respondent was charged by criminal complaint in Case No. 572496 with violating Vehicle
13 Code section 23152, subdivision (a) (Driving under the influence of alcohol or drugs), a
14 misdemeanor, with enhancements of refusal to submit to a chemical test and two prior
15 convictions. Respondent's first prior offense was alleged to have occurred on or about May 7,
16 2007. Respondent was convicted in Alameda County Superior Court of violating Vehicle Code
17 section 23152, subdivision (b) (Driving with a blood alcohol level of 0.08% or more), a
18 misdemeanor, and was placed on probation. Respondent's second prior offense was alleged to
19 have occurred on or about July 15, 2009. Respondent was convicted in Alameda County Superior
20 Court of violating Vehicle Code section 23152, subdivision (b) (Driving with a blood alcohol
21 level of 0.08% or more), a misdemeanor, and was placed on probation.

22 b. On or about February 24, 2012 Respondent pleaded no contest, and admitted
23 the enhancement and prior convictions. The court ordered imposition of sentence suspended in
24 favor of a five year supervised probation period with terms and conditions including 150 days in
25 jail (1 day CTS), an 18 month DUI program, and fines and fees.

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1 SECOND CAUSE FOR DISCIPLINE

2 (Self-Administration of Alcohol)

3 13. Respondent is subject to disciplinary action under section 4301(h) of the Code, in that
4 Respondent, as described in paragraphs 10-11, used alcoholic beverages in a dangerous or
5 injurious manner.

6 THIRD CAUSE FOR DISCIPLINE

7 (Unprofessional Conduct)

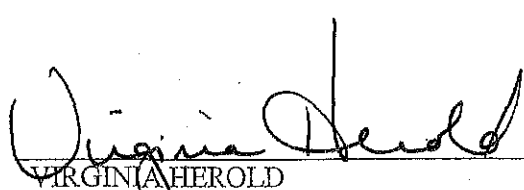
8 14. Respondent is subject to disciplinary action under section 4301 of the Code in that, as
9 described in paragraphs 10-11, Respondent engaged in unprofessional conduct.

10 PRAYER

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

- 13 1. Revoking or suspending Pharmacy Technician Registration Number TCH 94133,
14 issued to Mikias W. Wonji
- 15 2. Ordering Mikias W. Wonji to pay the Board of Pharmacy the reasonable costs of the
16 investigation and enforcement of this case, pursuant to Business and Professions Code section
17 125.3;
- 18 3. Taking such other and further action as is deemed necessary and proper.
- 19

20
21 DATED: 11/19/12

22 
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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