



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

BUSINESS, CONSUMER SERVICES AND HOUSING 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>Sonia Flores</u>	Case No. <u>AC 4436</u>
Address of Record: <u>7464 Hutchinson Pl. Rancho Cucamonga Ca. 91730</u>	

RECEIVED BY CALIFORNIA BOARD OF PHARMACY
 2014 SEP 29 AM 9:01

Pursuant to the terms and conditions of my probation with the California State Board of Pharmacy (Board) in Case No. AC 4436, I hereby request to surrender my pharmacy technician license, License No. 58602. 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.

Sonia Flores
 Applicant's Signature

Virginia Skerl
 Executive Officer's Approval

7/25/14
 Date

10/3/14
 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 Accusation Against:

Case No. 4436

SONJA FLORES

7464 Hutchinson Place
Rancho Cucamonga, CA 91730

Pharmacy Technician Registration
No. TCH 58002

Respondent.

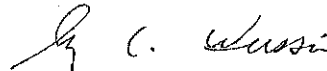
DECISION AND ORDER

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 20, 2014.

It is so ORDERED on August 13, 2014.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA



By

STAN C. WEISSER
Board President

1 KAMALA D. HARRIS
Attorney General of California
2 ARMANDO ZAMBRANO
Supervising Deputy Attorney General
3 MATTHEW A. KING
Deputy Attorney General
4 State Bar No. 265691
300 So. Spring Street, Suite 1702
5 Los Angeles, CA 90013
matthew.king@doj.ca.gov
6 (213) 897-7446

7 *Attorneys for Complainant*

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

12 In the Matter of the Accusation Against:

13 **SONJA FLORES**
7464 Hutchinson Pl.
Rancho Cucamonga, CA 91730

14 **Pharmacy Technician Registration**
15 **No. TCH 58002**

16 Respondent.

Case No. 4436
OAH No. 2013110695

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

[Gov. Code, § 11415.60.]

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. Complainant Virginia Herold 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 Matthew A. King, Deputy Attorney
23 General.

24 2. Respondent Sonja Flores has chosen to represent herself in these proceedings.

25 3. On August 18, 2004, the Board issued Pharmacy Technician Registration No. TCH
26 58002 to Respondent. The Pharmacy Technician Registration was in full force and effect at all
27 times relevant to the charges brought in Accusation No. 4436 and will expire on December 31,
28 2015 unless it is renewed.

1 **JURISDICTION**

2 4. Complainant filed Accusation No. 4436 before the Board on November 6, 2013.
3 The Accusation is currently pending against Respondent. The Accusation and all other statutorily
4 required documents were properly served on Respondent on September 13, 2013. Respondent
5 timely filed a Notice of Defense contesting the Accusation.

6 5. A copy of Accusation No. 4436 is attached as Exhibit A and is incorporated herein by
7 reference.

8 **ADVISEMENT AND WAIVERS**

9 6. Respondent has carefully read, and understands the charges and allegations in
10 Accusation No. 4436. Respondent has also carefully read, and understands the effects of this
11 Stipulated Settlement and Disciplinary Order.

12 7. Respondent is fully aware of her legal rights in this matter, including the right
13 1) to have a hearing on the charges and allegations in the Accusation; 2) to be represented by
14 counsel at her own expense; 3) to confront and cross-examine the witnesses against her; 4) to
15 present evidence and to testify on her own behalf; 5) to have subpoenas issued to compel the
16 attendance of witnesses and the production of documents; and 6) to seek reconsideration and
17 court review of an adverse decision. Respondent is equally aware of all other rights accorded by
18 the California Administrative Procedure Act and other applicable laws.

19 8. Respondent voluntarily, knowingly, and intelligently waives and gives up each and
20 every right set forth above.

21 **CULPABILITY**

22 9. Respondent admits the truth of each and every charge and allegation in Accusation
23 No. 4436.

24 10. Respondent agrees that her Pharmacy Technician Registration is subject to discipline
25 and agrees to be bound by the Board's probationary terms as set forth in the Disciplinary Order
26 below.

27 ///

28 ///

CONTINGENCY

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

11 12. The parties understand and agree that Portable Document Format (PDF) and facsimile
12 copies of this Stipulated Settlement and Disciplinary Order, including electronic and facsimile
13 signatures thereto, will have the same force and effect as an original.

14 13. 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, whether written or oral. This Stipulated Settlement and
18 Disciplinary Order may not be altered, amended, modified, supplemented, or otherwise changed
19 except by a writing executed by an authorized representative of each of the parties.

20 14. 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:

23 ///

24 ///

25 ///

26 ///

27 ///

28 ///

1 **DISCIPLINARY ORDER**

2 IT IS HEREBY ORDERED that Pharmacy Technician Registration No. TCH 58002, issued
3 to Respondent Sonja Flores, is revoked. However, the revocation is stayed and Respondent is
4 placed on probation for three years on the following terms and conditions.

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

6 Respondent is automatically suspended from working as a pharmacy technician until she is
7 certified, as defined by Business and Professions Code section 4202, subdivision (a)(4), and
8 provides satisfactory proof of certification to the Board. Failure to achieve certification within
9 one year from the effective date of the Board's Decision and Order constitutes a violation of
10 probation. Respondent is prohibited from working as a pharmacy technician until the Board
11 notifies her that she may resume practice.

12 During this suspension, Respondent may not enter any pharmacy area or any portion of any
13 other Board-licensed premises (wholesaler, veterinary food-animal drug retailer or any other
14 distributor of drugs); nor may Respondent enter the premises of any drug manufacturer or be in
15 any location where dangerous drugs and devices or controlled substances are maintained.
16 Respondent is prohibited from doing any act that involves drug selection, selection of stock,
17 manufacturing, compounding or dispensing. She is also prohibited from managing, administering
18 and assisting a licensee of the Board. Respondent may not have access to or control the ordering,
19 manufacturing or dispensing of dangerous drugs and devices or controlled substances.
20 Respondent may not resume work until the Board notifies her that she may resume working.

21 Failure to comply with this suspension will be considered a violation of probation.

22 **2. Obey All Laws**

23 Respondent must obey all state and federal laws and regulations.

24 Respondent must report the following occurrences to the Board, in writing, within 72 hours
25 of their occurrence:

- 26 a. An arrest or issuance of a criminal complaint for violation of any provision of the
27 Pharmacy Law, state and federal food and drug laws, or state and federal controlled
28 substances laws;

- 1 b. A plea of guilty or *nolo contendere* in any state or federal criminal proceeding to any
2 criminal complaint, information or indictment;
- 3 c. A conviction of any crime;
- 4 d. Discipline, citation, or other administrative action filed by any state or federal agency
5 which involves Respondent's Pharmacy Technician Registration or which is related
6 to the practice of pharmacy or the manufacturing, obtaining, handling, distributing,
7 billing, or charging for any drug, device or controlled substance.

8 Failure to timely report any of the above occurrences will be considered a violation of
9 probation.

10 **3. Report to the Board**

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

19 **4. Interview with the Board**

20 Upon receipt of reasonable prior notice, Respondent must appear in person for interviews
21 with the Board or its designee, at such intervals and locations as are determined by the Board or
22 its designee. Failure to appear for any scheduled interview without prior notification to Board
23 staff, or failure to appear at two or more scheduled interviews with the Board or its designee
24 during the period of probation, will be considered a violation of probation.

25 **5. Cooperate with Board Staff**

26 Respondent must cooperate with the Board's inspection program and with the Board's
27 monitoring and investigation of Respondent's compliance with the terms and conditions of her
28 probation. Failure to cooperate will be considered a violation of probation.

1 **6. Notice to Employers**

2 During the period of probation, Respondent must notify all present and prospective
3 employers of the Decision in Case Number 4436 and the terms, conditions and restrictions
4 imposed on Respondent by the Decision, as follows:

5 Within 30 days of the effective date of this decision, and within 15 days of Respondent's
6 undertaking any new employment, Respondent must cause her direct supervisor, pharmacist-in-
7 charge (including each new pharmacist-in-charge employed during Respondent's period of
8 employment) and owner to report to the Board in writing acknowledging, for each supervisor,
9 pharmacist-in-charge and owner, that he has read the decision in Case Number 4436 and the
10 terms and conditions imposed by it. It is Respondent's responsibility to ensure that her employer
11 and supervisor, or employers and supervisors, as the case may be, submit timely
12 acknowledgments to the Board.

13 If Respondent works for or is employed by or through a pharmacy employment service,
14 Respondent must notify her direct supervisor, pharmacist-in-charge and owner at every pharmacy
15 where she works of the terms and conditions of the Decision in Case Number 4436 in advance of
16 her commencing work at the pharmacy. A record of this notification must be provided to the
17 Board upon demand.

18 Furthermore, within 30 days of the effective date of this decision, and within 15 days of
19 Respondent's undertaking any new employment by or through a pharmacy employment service,
20 Respondent must cause her direct supervisor with the pharmacy employment service to report to
21 the Board in writing acknowledging that he has read the decision in Case Number 4436 and the
22 terms and conditions imposed by it. It is Respondent's responsibility to ensure that her employer
23 and supervisor, or employers and supervisors, as the case may be, submit timely
24 acknowledgments to the Board.

25 Failure to timely notify present or prospective employers in accordance with this provision
26 will be considered a violation of probation. Failure to cause each employer and supervisor to
27 submit a timely acknowledgment in accordance with this provision will be considered a violation
28 of probation.

1 "Employment," within the meaning of this provision, is defined to include full-time,
2 part-time, temporary or relief service or pharmacy management service as a pharmacy
3 technician. It also includes any position, paid or unpaid, for which a pharmacy technician
4 registration is a requirement or criterion for employment, regardless of whether Respondent
5 is considered an employee, independent contractor or volunteer.

6 **7. Reimbursement of Board Costs**

7 As a condition precedent to successful completion of probation, Respondent must pay the
8 Board its costs of investigation and prosecution in the amount of **\$700**. Respondent must make
9 the first payment of **\$33** on the effective date of the Board's Decision and Order. Thereafter,
10 Respondent must pay **\$23 per month for 29 months**. If Respondent pays more than the amount
11 required for any month, then the excess over the payment required for that month will be applied
12 first to the next month's payment then to each subsequent month's payment until the entire excess
13 is credited to the account. If, through the application of the preceding sentence, Respondent owes
14 less than \$23 but more than \$0 for any month, Respondent must pay the non-zero sum owing for
15 that month. Deviation from this payment schedule without prior written approval by the Board or
16 its designee is a violation of probation. Failure to make a payment when due is a violation of
17 probation. Nothing in this provision prevents the Board or its designee from agreeing with
18 Respondent to modify the schedule of payments. Nothing in this provision prevents Respondent
19 from paying the entire balance at the time when an installment becomes due.

20 **8. Probation Monitoring Costs**

21 Respondent must pay all costs associated with probation monitoring as determined by the
22 Board each and every year of probation. Such costs must be paid to the Board on a schedule as
23 directed by the Board or its designee. Failure to pay such costs by the deadline as directed will be
24 considered a violation of probation.

25 **9. Status of License**

26 Respondent must, at all times while on probation, maintain an active, current pharmacy
27 technician registration with the Board, including any period during which suspension or probation
28 is tolled. Failure to maintain an active, current registration will be considered a violation of

1 probation.

2 If Respondent's Pharmacy Technician Registration expires or is cancelled by operation of
3 law, or expires or is cancelled for any other reason, at any time during the period of probation,
4 including any extensions to probation because of tolling or otherwise, then, upon renewal or
5 reapplication, Respondent's Registration will be subject to all terms and conditions of probation
6 that Respondent did not previously satisfy.

7 **10. License Surrender While on Probation**

8 Following the effective date of this Decision, should Respondent cease work due to
9 retirement or health, or be otherwise unable to satisfy the terms and conditions of probation,
10 Respondent may tender her Pharmacy Technician Registration to the Board for surrender. The
11 Board or its designee will have discretion to grant the request for surrender and may take other
12 action that it deems appropriate and reasonable. Upon formal acceptance of the surrender of the
13 Registration, Respondent will no longer be subject to the terms and conditions of probation. This
14 surrender constitutes a record of discipline and will become a part of Respondent's license history
15 with the Board.

16 Upon acceptance of the surrender, Respondent will relinquish her Pharmacy Technician
17 Registration to the Board within ten days of notification by the Board that the surrender is
18 accepted. Respondent may not reapply for any license, permit, or registration from the Board for
19 three years from the effective date of the surrender. Respondent must meet all requirements
20 applicable to the license sought as of the date the application for that license is submitted to the
21 Board.

22 **11. Notification of a Change in Name, Residence Address, Mailing Address or**
23 **Employment**

24 Respondent must notify the Board in writing within ten days of any change of employment.
25 Said notification must include the reasons for leaving, the address of the new employer, the name
26 of the supervisor and owner, and Respondent's new work schedule, if known. Respondent must
27 also notify the Board in writing within ten days of any change to her name, address of residence,
28 mailing address or phone number. Failure to timely notify the Board will be considered a

1 violation of probation.

2 **12. Tolling of Probation**

3 Except during periods of suspension, Respondent must, at all times while on probation, be
4 employed as a pharmacy technician in California for a minimum of 40 hours per calendar month.
5 Any month during which this minimum is not met will toll the period of probation, meaning the
6 period of probation will be extended by one month for each month during which this minimum is
7 not met. During any such period of tolling of probation, Respondent must nonetheless comply
8 with all terms and conditions of probation.

9 Should Respondent, regardless of residency, for any reason (including vacation) cease
10 working as a pharmacy technician for a minimum of 40 hours per calendar month in California,
11 Respondent must notify the Board within ten days of cessation of work and must further notify
12 the Board in writing within ten days of the resumption of work. Any failure to provide such
13 notification will be considered a violation of probation.

14 It is a violation of probation for Respondent's probation to remain tolled pursuant to the
15 provisions of this condition for a total period, counting consecutive and non-consecutive months,
16 exceeding 36 months.

17 "Cessation of work" means any calendar month during which Respondent is not working
18 for at least 40 hours as a pharmacy technician, as defined in Business and Professions Code
19 section 4115.

20 "Resumption of work" means any calendar month during which Respondent is working as a
21 pharmacy technician for at least 40 hours as a pharmacy technician as defined by Business and
22 Professions Code section 4115.

23 **13. Violation of Probation**

24 If Respondent has not complied with any term or condition of probation, the Board will
25 have continuing jurisdiction over Respondent, and probation will be automatically extended until
26 all terms and conditions have been satisfied or until the Board has taken other action, as it deems
27 appropriate, to treat the failure to comply as a violation of probation, to terminate probation and
28 to impose the penalty that was stayed.

1 If Respondent violates probation in any respect, the Board, after giving Respondent notice
2 and an opportunity to be heard, may revoke probation and carry out the disciplinary order that
3 was stayed. Notice and opportunity to be heard are not required for those provisions stating that a
4 violation thereof may lead to automatic termination of the stay or revocation of the Registration.
5 If a petition to revoke probation or an accusation is filed against Respondent during probation, the
6 Board will have continuing jurisdiction, and the period of probation will be automatically
7 extended until the petition to revoke probation or accusation is heard and decided.

8 **14. Completion of Probation**

9 Upon written notice by the Board indicating successful completion of probation,
10 Respondent's Pharmacy Technician Registration will be fully restored.

11 **15. No Ownership of Licensed Premises**

12 Respondent may not own, have any legal or beneficial interest in, or serve as a manager,
13 administrator, member, officer, director, trustee, associate, or partner of any business, firm,
14 partnership, or corporation currently or hereafter licensed by the Board. Respondent must sell or
15 transfer all legal and beneficial interests that she holds in entities licensed by the Board within 90
16 days following the effective date of this Decision and must immediately thereafter provide written
17 proof of the sale or transfer to the Board. Failure to timely divest or provide documentation
18 thereof will be considered a violation of probation.

19 **16. Attend Substance Abuse Recovery Relapse Prevention and Support Groups**

20 Within 30 days of the effective date of this decision, Respondent must begin regular
21 attendance at a recognized and established substance abuse recovery support group in California
22 (e.g., Alcoholics Anonymous, Narcotics Anonymous, etc.), which has been approved by the
23 Board or its designee. Respondent must attend at least one group meeting per week unless
24 otherwise directed by the Board or its designee. Respondent must continue regular attendance
25 and submit signed and dated documentation confirming attendance with each quarterly report for
26 the duration of probation. Failure to attend or submit documentation thereof will be considered a
27 violation of probation.

28 ///

1 **17. Random Drug Screening**

2 Respondent, at her own expense, must participate in random testing, including but not
3 limited to biological fluid testing (urine, blood), breathalyzer, hair follicle testing, or other drug
4 screening program as directed by the Board or its designee. Respondent may be required to
5 participate in testing for the entire period of probation and the frequency of testing will be
6 determined by the Board or its designee. At all times, Respondent must fully cooperate with the
7 Board or its designee, and must, when directed, submit to such tests and samples for the detection
8 of alcohol, narcotics, hypnotics, dangerous drugs or other controlled substances as the Board or
9 its designee may direct. Failure to timely submit to testing as directed will be considered a
10 violation of probation. Upon request of the Board or its designee, Respondent must provide
11 documentation that the prescription for a detected drug was legitimately and lawfully issued and
12 is medically necessary. This documentation must be authored by the prescriber and the
13 prescription must have been issued by a physician, dentist, optometrist, podiatrist, veterinarian, or
14 naturopathic doctor pursuant to Business and Professions Code (Code) section 3640.7 or, if issued
15 pursuant to Code sections 2746.51, 2836.1, 3502.1, or 3460.5, by a certified nurse-midwife, nurse
16 practitioner, physician assistant, or naturopathic doctor licensed in this state, or pursuant to Code
17 sections 4052.1, 4052.2, or 4052.6 by a pharmacist licensed in this state. Failure to timely
18 provide such documentation will be considered a violation of probation. Any confirmed positive
19 test for alcohol or for any drug not lawfully prescribed as part of a documented medical treatment
20 will be considered a violation of probation and will result in the automatic suspension of work by
21 Respondent. Respondent may not resume work as a pharmacy technician until notified by the
22 Board in writing.

23 During suspension, Respondent may not enter any pharmacy area or any portion of any
24 other Board-licensed premises (wholesaler, veterinary food-animal drug retailer or any other
25 distributor of drugs), any drug manufacturer, or any other location where dangerous drugs and
26 devices or controlled substances are maintained. Respondent may not do any act involving drug
27 selection, selection of stock, manufacturing, compounding or dispensing; nor may Respondent
28 manage, administer, or assist any licensee of the Board. Respondent may not have access to or

1 control the ordering, manufacturing or dispensing of dangerous drugs and devices or controlled
2 substances. Respondent may not resume work until notified by the Board.

3 Respondent may not direct, control or perform any aspect of the practice of pharmacy.
4 Failure to comply with this suspension will be considered a violation of probation.

5 **18. Work Site Monitor**

6 Within ten days of the effective date of this Decision, Respondent must identify a work site
7 monitor, for prior approval by the Board, who will be responsible for supervising Respondent
8 during working hours. Respondent will be responsible for ensuring that the work site monitor
9 reports in writing to the Board on a quarterly basis. Should the designated work site monitor
10 determine at any time during the probationary period that Respondent has not maintained
11 sobriety, the work site monitor must notify the Board immediately, either orally or in writing as
12 directed. Should Respondent change employment, a new work site monitor must be designated
13 for prior approval by the Board, within ten days of commencing new employment. Failure to
14 identify an acceptable initial or replacement work site monitor, or to ensure that quarterly reports
15 are submitted to the Board, will be considered a violation of probation.

16 **19. Notification of Departure**

17 Prior to leaving the probationary geographic area designated by the Board or its designee
18 for a period greater than 24 hours, Respondent must notify the Board verbally and in writing of
19 the dates of departure and return. Failure to comply with this provision will be considered a
20 violation of probation.

21 **20. Abstain from Drugs and Alcohol Use**

22 Respondent must completely abstain from the possession or use of alcohol, controlled
23 substances, dangerous drugs and their associated paraphernalia except when lawfully prescribed
24 by a physician, dentist, optometrist, podiatrist, veterinarian, or naturopathic doctor pursuant to
25 Code section 3640.7 or, if a drug order is issued, pursuant to Code sections 2746.51, 2836.1,
26 3502.1, or 3460.5, by a certified nurse-midwife, nurse practitioner, physician assistant, or
27 naturopathic doctor licensed in this state, or pursuant to Code sections 4052.1, 4052.2, or 4052.6,
28 by a pharmacist licensed in this state. Upon request of the Board or its designee, Respondent

1 must provide documentation from the prescriber that the prescription was legitimately issued and
2 is medically necessary. Failure to timely provide such documentation will be considered a
3 violation of probation. Respondent cannot knowingly be in physical proximity to persons using
4 illicit substances. This prohibition applies even if Respondent does not personally ingest, breathe
5 or otherwise come in contact with the illicit substances. Any possession or use of alcohol,
6 controlled substances, or their associated paraphernalia that is not supported by valid medical
7 documentation, in the form specified in this provision, will be considered a violation of probation.
8 Any knowing physical proximity to persons using illicit substances will be considered a violation
9 of probation.

10 ///

11 ///

12 ///

13 ///

14 ///

15 ///

16 ///

17 ///

18 ///

19 ///

20 ///

21 ///

22 ///

23 ///

24 ///

25 ///

26 ///

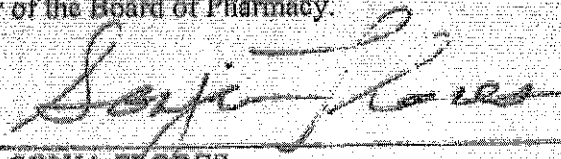
27 ///

28 ///

ACCEPTANCE

I have carefully read the Stipulated Settlement and Disciplinary Order. I understand the stipulation and the effect it will have on my Pharmacy Technician Registration. 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: 6/2/14



SONJA FLORES
Respondent

ENDORSEMENT

I respectfully submit the foregoing Stipulated Settlement and Disciplinary Order for consideration by the Board of Pharmacy.

Dated:

Respectfully submitted,

KAMALA D. HARRIS
Attorney General of California
ARMANDO ZAMBRANO
Supervising Deputy Attorney General

MATTHEW A. KING
Deputy Attorney General
Attorneys for Complainant

LA2012507961
51324221

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

ACCEPTANCE

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

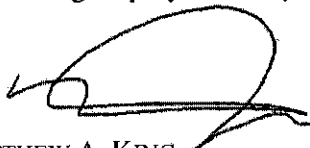
DATED: _____
SONJA FLORES
Respondent

ENDORSEMENT

I respectfully submit the foregoing Stipulated Settlement and Disciplinary Order for consideration by the Board of Pharmacy.

Dated: June 3, 2014

Respectfully submitted,
KAMALA D. HARRIS
Attorney General of California
ARMANDO ZAMBRANO
Supervising Deputy Attorney General



MATTHEW A. KING
Deputy Attorney General
Attorneys for Complainant

LA2012507961
51524221

Exhibit A

Accusation No. 4436

1 KAMALA D. HARRIS
Attorney General of California
2 ARMANDO ZAMBRANO
Supervising Deputy Attorney General
3 MATTHEW A. KING
Deputy Attorney General
4 State Bar No. 265691
300 So. Spring Street, Suite 1702
5 Los Angeles, CA 90013
Telephone: (213) 897-7446
6 Facsimile: (213) 897-2804
E-mail: matthew.king@doj.ca.gov
7 *Attorneys for Complainant*

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

11 In the Matter of the Accusation Against:
12 **SONJA FLORES**
8740 Risinghill Court
13 Rancho Cucamonga, CA 91730
14 **Pharmacy Technician Registration No. TCH**
15 **58002,**
16 Respondent.

Case No. 4436
A C C U S A T I O N
[Gov. Code, § 11503.]

17
18 Complainant alleges:

19 **PARTIES**

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

23 2. On or about August 18, 2004, the Board issued Pharmacy Technician Registration
24 No. TCH 58002 to Sonja Flores ("Respondent"). The Pharmacy Technician Registration was in
25 full force and effect at all times relevant to the charges brought herein and will expire on
26 December 31, 2013, unless it is renewed.

27 ///
28 ///

1 **JURISDICTION**

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

4 4. Section 118, subdivision (b), states that the suspension, expiration, surrender, or
5 cancellation of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary
6 action during the period within which the license may be renewed, restored, reissued or
7 reinstated.

8 5. Section 4300, subdivision (a), states that "[e]very license issued may be suspended or
9 revoked."

10 6. Section 4300.1 states:

11 "The expiration, cancellation, forfeiture, or suspension of a board-issued license by
12 operation of law or by order or decision of the board or a court of law, the placement of a license
13 on a retired status, or the voluntary surrender of a license by a licensee shall not deprive the board
14 of jurisdiction to commence or proceed with any investigation of, or action or disciplinary
15 proceeding against, the licensee or to render a decision suspending or revoking the license."

16 **STATUTORY PROVISIONS**

17 7. Section 490 states, in relevant part:

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

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

26 "(c) A conviction within the meaning of this section means a plea or verdict of guilty or a
27 conviction following a plea of nolo contendere. Any action that a board is permitted to take
28 following the establishment of a conviction may be taken when the time for appeal has elapsed, or

1 the judgment of conviction has been affirmed on appeal, or when an order granting probation is
2 made suspending the imposition of sentence, irrespective of a subsequent order under the
3 provisions of Section 1203.4 of the Penal Code."

4 8. Section 4301 states, in relevant part:

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

8 ...

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

12 ...

13 "(h) The administering to oneself, of any controlled substance, or the use of any dangerous
14 drug or of alcoholic beverages to the extent or in a manner as to be dangerous or injurious to
15 oneself, to a person holding a license under this chapter, or to any other person or to the public, or
16 to the extent that the use impairs the ability of the person to conduct with safety to the public the
17 practice authorized by the license.

18 ...

19 "(k) The conviction of more than one misdemeanor or any felony involving the use,
20 consumption, or self-administration of any dangerous drug or alcoholic beverage, or any
21 combination of those substances.

22 "(l) The conviction of a crime substantially related to the qualifications, functions, and
23 duties of a licensee under this chapter. The record of conviction of a violation of Chapter 13
24 (commencing with Section 801) of Title 21 of the United States Code regulating controlled
25 substances or of a violation of the statutes of this state regulating controlled substances or
26 dangerous drugs shall be conclusive evidence of unprofessional conduct. In all other cases, the
27 record of conviction shall be conclusive evidence only of the fact that the conviction occurred.
28 The board may inquire into the circumstances surrounding the commission of the crime, in order

1 to fix the degree of discipline or, in the case of a conviction not involving controlled substances
2 or dangerous drugs, to determine if the conviction is of an offense substantially related to the
3 qualifications, functions, and duties of a licensee under this chapter. A plea or verdict of guilty or
4 a conviction following a plea of nolo contendere is deemed to be a conviction within the meaning
5 of this provision. The board may take action when the time for appeal has elapsed, or the
6 judgment of conviction has been affirmed on appeal or when an order granting probation is made
7 suspending the imposition of sentence, irrespective of a subsequent order under Section 1203.4 of
8 the Penal Code allowing the person to withdraw his or her plea of guilty and to enter a plea of not
9 guilty, or setting aside the verdict of guilty, or dismissing the accusation, information, or
10 indictment.

11 . . .

12 "(o) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the
13 violation of or conspiring to violate any provision or term of this chapter or of the applicable
14 federal and state laws and regulations governing pharmacy, including regulations established by
15 the board or by any other state or federal regulatory agency."

16 **REGULATORY PROVISION**

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

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

24 **COST RECOVERY**

25 10. Section 125.3 states, in relevant part, that the Board may request the administrative
26 law judge to direct a licentiate found to have committed a violation or violations of the licensing
27 act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the
28 case.

1 FIRST CAUSE FOR DISCIPLINE

2 (Unprofessional Conduct—Conviction of Substantially Related Crimes)

3 11. Respondent is subject to disciplinary action under section 490 and section 4301,
4 subdivision (l), in conjunction with California Code of Regulations, title 16, section 1770, on the
5 grounds of unprofessional conduct in that Respondent was convicted of crimes substantially
6 related to the qualifications, functions, or duties of a registered pharmacy technician, as follows:

7 a. On or about May 18, 2012, Respondent was convicted upon a plea of guilty of one
8 misdemeanor count of driving while under the influence of alcohol (Veh. Code, § 23152, subd.
9 (a)), and one misdemeanor count of driving while under the influence of alcohol with a blood
10 alcohol content of .08 percent or higher (Veh. Code, § 23152, subd. (b)). The court sentenced
11 Respondent to 60 days in jail, placed her on probation for five years, and fined her. (*People v.*
12 *Sonja Flores* (Super. Ct. Orange County, 2012, No. 12NM05306).) The circumstances
13 surrounding the conviction are that on or about May 6, 2012, a Santa Ana California Highway
14 Patrol Officer observed Respondent driving in an erratic manner, swerving in and out of traffic
15 lanes. During the enforcement stop, the officer recognized in Respondent the objective symptoms
16 of alcohol intoxication, including alcohol-smelling breath and lack of coordination. Respondent
17 admitted to the officer that she drank two and a half Corona-brand beers. Respondent failed the
18 field sobriety tests and tested positive for alcohol intoxication at a level of 0.11 percent alcohol,
19 by weight, in the blood.

20 b. On or about April 04, 2012, Respondent was convicted upon a plea of *nolo*
21 *contendere* of one misdemeanor count of commercial burglary in the second degree (Pen. Code, §
22 459). The court sentenced Respondent to 30 days in jail, placed her on probation for three years,
23 and fined her. (*People v. Sonja Flores* (Super. Ct. San Bernardino County, 2011, No.
24 MCH1100725).) The circumstances of the conviction are that on or about May 11, 2011,
25 Respondent stole a coworker's credit card out of her purse at Anaheim Regional Medical Center.
26 Three days later, Respondent purchased \$198.67 worth of goods from four different retailers
27 using the stolen card.

28 ///

1 c. On or about February 29, 2012, Respondent was convicted upon a plea of guilty of
2 one misdemeanor count of willfully and unlawfully representing that she was a valid card holder
3 with the intent to defraud, obtain money, goods, services and anything else of value (Pen. Code, §
4 484, subd. (e)(c)). The court sentenced Respondent to 30 days in jail and placed her on probation
5 for three years. (*People v. Sonja Flores* (Super. Ct. Orange County, 2011, No. 11NM12032).)
6 The circumstances surrounding the conviction are recited in paragraph 10, subparagraph (b),
7 *supra*. Complainant realleges said paragraph.

8 **SECOND CAUSE FOR DISCIPLINE**

9 **(Unprofessional Conduct—Alcohol-Related Convictions)**

10 12. Respondent is subject to disciplinary action under section 490 and section 4301,
11 subdivision (k), on the grounds of unprofessional conduct in that Respondent was convicted of
12 more than one misdemeanor offense involving the use, consumption, or self-administration of an
13 alcoholic beverage, said conviction having been suffered on or about May 18, 2012. Complainant
14 realleges paragraph 11, subparagraph (a).

15 **THIRD CAUSE FOR DISCIPLINE**

16 **(Unprofessional Conduct—Dangerous Use of Alcohol)**

17 13. Respondent is subject to disciplinary action under section 4301, subdivision (h), on
18 the grounds of unprofessional conduct in that Respondent used alcohol to an extent or in a
19 manner as to be dangerous or injurious to herself or to others, said offense having been committed
20 on or about May 6, 2012. Complainant realleges paragraph 11, subparagraph (a).

21 **FOURTH CAUSE FOR DISCIPLINE**

22 **(Unprofessional Conduct—Commission of Dishonest, Fraudulent, and Deceitful Acts)**

23 14. Respondent is subject to disciplinary action under section 4301, subdivision (f), on
24 the grounds of unprofessional conduct in that Respondent committed acts involving dishonesty,
25 fraud, and deceit, said acts having been committed on or about April 4, 2012 and February 29,
26 2012. Complainant realleges paragraph 11, subparagraphs (b) and (c).

27 ///

28 ///

1 **FIFTH CAUSE FOR DISCIPLINE**

2 **(Violation of Pharmacy Act)**

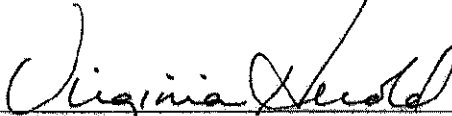
3 15. Respondent is subject to disciplinary action under section 4301, subdivision (o), on
4 the grounds of unprofessional conduct in that Respondent violated provisions and terms of the
5 Pharmacy Law and regulations adopted pursuant to it. Complainant realleges paragraphs 11
6 through 14.

7 **PRAYER**

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

- 10 1. Revoking or suspending Pharmacy Technician Registration No. TCH 58002, issued
11 to Sonja Flores;
- 12 2. Ordering Sonja Flores to pay the Board the reasonable costs of the investigation and
13 enforcement of this case, pursuant to Business and Professions Code section 125.3; and
- 14 3. Taking such other and further action as deemed necessary and proper.

15
16 DATED: 9/6/13


17 VIRGINIA HEROLD
Executive Officer
Board of Pharmacy
Department of Consumer Affairs
State of California
18 Complainant
19
20
21
22
23
24
25
26
27

28 LA2012507961
51278170.doc