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

In the Matter of the Accusation Against:  
**CRYSTAL S. VERGARA**  
**1810 Main Street**  
**Ramona, CA 92065**  
**Pharmacy Technician Registration**  
**No. TCH 108318**  
  
Respondent.

Case No. 4811  
**DEFAULT DECISION AND ORDER**  
[Gov. Code, §11520]

**FINDINGS OF FACT**

1. On or about October 21, 2013, Complainant Virginia Herold, in her official capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs, filed Accusation No. 4811 against Crystal S. Vergara (Respondent) before the Board of Pharmacy. (A copy of the Accusation is attached as Exhibit A.)
2. On or about November 12, 2010, the Board of Pharmacy (Board) issued Pharmacy Technician Registration No. TCH 108318 to Respondent. The Pharmacy Technician Registration was in full force and effect at all times relevant to the charges brought in Accusation No. 4811 and will expire on July 31, 2014, unless renewed.
3. On or about November 1, 2013, Respondent was served by Certified and First Class Mail copies of the Accusation No. 4811, Statement to Respondent, Notice of Defense, and Discovery Statutes (Government Code sections 11507.5, 11507.6, and 11507.7) at Respondent's

1 address of record which, pursuant to Business and Professions Code section 4100 and California  
2 Code of Regulations, title 16, section 1704, is required to be reported and maintained with the  
3 Board. Respondent's address of record was and is:

4 1810 Main Street  
5 Ramona, CA 92065

6 4. Service of the Accusation was effective as a matter of law under the provisions of  
7 Government Code section 11505, subdivision (c) and/or Business & Professions Code section  
8 124.

9 5. On or about November 4, 2013, A Domestic Return Receipt was received signed by  
10 "Tonya Cobos Rosa" on November 2, 2013, demonstrating that the aforementioned documents  
11 served by Certified Mail were received at Respondent's address of record.

12 6. 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 7. Respondent failed to file a Notice of Defense within 15 days after service upon her of  
19 the Accusation, and therefore waived her right to a hearing on the merits of Accusation No. 4811.

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

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

25 9. Pursuant to its authority under Government Code section 11520, the Board finds  
26 Respondent is in default. The Board will take action without further hearing and, based on the  
27 relevant evidence contained in the Default Decision Evidence Packet in this matter, as well as  
28 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. 4811, finds that  
the charges and allegations in Accusation No. 4811, are separately and severally, found to be true  
and correct by clear and convincing evidence.



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**ORDER**

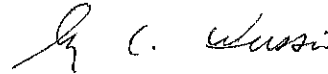
IT IS SO ORDERED that Pharmacy Technician Registration No. TCH 108318, heretofore issued to Respondent Crystal S. Vergara, is revoked.

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 February 18, 2014.

It is so ORDERED ON January 17, 2014.

BOARD OF PHARMACY  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA



By \_\_\_\_\_  
STAN C. WEISSER  
Board President

DOJ Matter ID: SD2013705529

Attachment:  
Exhibit A: Accusation

# Exhibit A

Accusation

1 KAMALA D. HARRIS  
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2 LINDA K. SCHNEIDER  
Supervising Deputy Attorney General  
3 State Bar No. 101336  
AMANDA DODDS  
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6 San Diego, CA 92186-5266  
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7 Facsimile: (619) 645-2061  
*Attorneys for Complainant*

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

12 In the Matter of the Accusation Against:

Case No. 4811

13 **CRYSTAL S. VERGARA**  
1810 Main Street  
14 Ramona, CA 92065

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

15 **Pharmacy Technician Registration**  
16 **No. TCH 108318**

Respondent.

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19 Complainant alleges:

20 **PARTIES**

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

23 2. On or about November 12, 2010, the Board of Pharmacy issued Pharmacy Technician  
24 Registration Number TCH 108318 to Crystal S. Vergara (Respondent). Respondent is also  
25 known as Crystal Soledad Vergara. The Pharmacy Technician Registration was in full force and  
26 effect at all times relevant to the charges brought herein and will expire on July 31, 2014, unless  
27 renewed.

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## JURISDICTION

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

4. Section 4300, subdivision (a) of the Code states "Every license issued may be suspended or revoked."

5. Section 4300.1 of the Code states:

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

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## STATUTORY PROVISIONS

6. Section 492 of the Code states:

Notwithstanding any other provision of law, successful completion of any diversion program under the Penal Code, or successful completion of an alcohol and drug problem assessment program under Article 5 (commencing with section 23249.50) of Chapter 12 of Division 11 of the Vehicle Code, shall not prohibit any agency established under Division 2 ([Healing Arts] commencing with Section 500) of this code, or any initiative act referred to in that division, from taking disciplinary action against a licensee or from denying a license for professional misconduct, notwithstanding that evidence of that misconduct may be recorded in a record pertaining to an arrest.

This section shall not be construed to apply to any drug diversion program operated by any agency established under Division 2 (commencing with Section 500) of this code, or any initiative act referred to in that division.

7. Section 4022 of the Code states

"Dangerous drug" or "dangerous device" means any drug or device unsafe for self-use in humans or animals, and includes the following:

(a) Any drug that bears the legend: "Caution: federal law prohibits dispensing without prescription," "Rx only," or words of similar import.

(b) Any device that bears the statement: "Caution: federal law restricts this device to sale by or on the order of a \_\_\_\_\_," "Rx only," or words of similar import, the blank to be filled in with the designation of the practitioner licensed to use or order use of the device.

(c) Any other drug or device that by federal or state law can be lawfully dispensed only on prescription or furnished pursuant to Section 4006.





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

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

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

5 For the purpose of denial, suspension, or revocation of a personal or facility  
6 license pursuant to Division 1.5 (commencing with Section 475) of the Business and  
7 Professions Code, a crime or act shall be considered substantially related to the  
8 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.

9 **COSTS**

10 13. 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, with failure of the licentiate to comply subjecting the license to not being  
14 renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be  
15 included in a stipulated settlement.

16 **DRUG**

17 14. Methamphetamine is a Schedule II controlled substance as designated by Health  
18 and Safety Code section 11055, subdivision (d)(2), and is a dangerous drug pursuant to Business  
19 and Professions Code section 4022.

20 **FIRST CAUSE FOR DISCIPLINE**

21 **(Dangerous Use of a Controlled Substance on February 11, 2013)**

22 15. Respondent has subjected her registration to discipline under section 4301,  
23 subdivision (h) of the Code in that she used methamphetamine to the extent or in a manner to be  
24 dangerous to herself and others on February 11, 2013. The circumstances are as follows:

25 a. On or about the afternoon of the evening of February 11, 2013, a patrol deputy  
26 with the San Diego County Sheriff's Department conducted a traffic stop on a vehicle in which  
27 Respondent was a passenger. All four persons in the vehicle consented to a search of the vehicle,  
28 themselves, and their belongings. In the backseat where Respondent had been sitting, the deputy



1 the deputy conducted a pedestrian stop. Respondent admitted that she was aware she had a bench  
2 warrant for failing to appear at court. While speaking to Respondent, the deputy observed that  
3 she was speaking rapidly and appeared nervous. When asked the last time she used  
4 methamphetamine, Respondent replied "Probably yesterday." While handcuffing Respondent,  
5 the deputy observed that she exhibited muscle rigidity consistent with being under the influence  
6 of a controlled substance. During a drug evaluation, Respondent exhibited the following  
7 symptoms: fluttering eyelids, a thin coating of white and brown film on her tongue, her mouth  
8 appeared dry and foamy, her pupils were dilated, and her pulse was elevated. Respondent was  
9 charged with violation of Health and Safety Code section 11550, subdivision (a), under the  
10 influence of a controlled substance, to wit, methamphetamine.

11 b. As a result of the arrest, on or about March 12, 2013, in a criminal proceeding  
12 entitled *People of the State of California v. Crystal Soledad Vergara*, in San Diego County  
13 Superior Court, case number C328197, the court dismissed the charge of violating Health and  
14 Safety Code section 11550, subdivision (a) pursuant to the plea agreement reached in case  
15 number C327658, described in paragraph 15, above.

### 16 THIRD CAUSE FOR DISCIPLINE

#### 17 (Violation of Statutes Regulating Controlled Substances)

18 17. Respondent has subjected her registration to discipline under section 4301,  
19 subdivision (j) of the Code in that she violated California statutes regulating controlled substances  
20 and dangerous devices when she possessed methamphetamine and a hypodermic syringe, and was  
21 under the influence of methamphetamine on January 21, 2012, in violation of Business and  
22 Professions Code sections 4022, 4059, and 4060, and Health and Safety Code sections 11377,  
23 subdivision (a), and 11550, subdivision (a).

#### 24 PRAYER

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

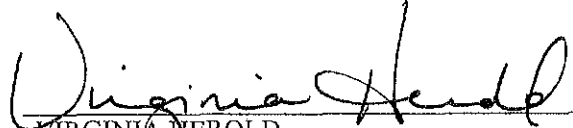
27 1. Revoking or suspending Pharmacy Technician Registration Number TCH 108318,  
28 issued to Crystal S. Vergara;

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2. Ordering Crystal S. Vergara to pay the Board of Pharmacy the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;

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

DATED: 10/21/13



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

SD2013705529