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

In the Matter of the Accusation Against:

SANDRA ALLYN CORTOPASSI
22515 Charlene Way
Castro Valley, CA 94546

Pharmacy Technician License No. TCH 16972

Respondent.

Case No. 4950

DEFAULT DECISION AND ORDER

[Gov. Code, §11520]

FINDINGS OF FACT

1. On or about November 3, 2015, Complainant Virginia K. Herold, in her official capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs, filed Accusation No. 4950 against Sandra Allyn Cortopassi (Respondent) before the Board of Pharmacy. (Accusation attached as Exhibit A.)

2. On or about September 7, 1995, the Board of Pharmacy (Board) issued Pharmacy Technician License No. TCH 16972 to Respondent. The Pharmacy Technician License expired on May 31, 2015, and was not renewed. It was cancelled on September 6, 2015. Pursuant to Business and Professions Code section 4300.1, however, this lapse in licensure and cancellation does not deprive the Board of its authority to institute or continue this disciplinary proceeding.

1 3. On or about November 16, 2015, Respondent was served by Certified and First Class
2 Mail with copies of Accusation No. 4950, a Statement to Respondent, a Notice of Defense (two
3 copies), a Request for Discovery, and the text of the Discovery Statutes (Government Code
4 sections 11507.5, 11507.6, and 11507.7) at Respondent's address of record which, pursuant to
5 Business and Professions Code section 4100, is required to be maintained with the Board.
6 Respondent's address of record was and is 22515 Charlene Way, Castro Valley, CA 94546.

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

9 5. Government Code section 11506(c) states, in pertinent part:

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

15 6. Respondent failed to file a Notice of Defense within 15 days after service upon her of
16 the Accusation, and therefore waived her right to a hearing on the merits of Accusation No. 4950.

17 7. California Government Code section 11520(a) states, in pertinent part:

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

22 8. Pursuant to its authority under Government Code section 11520, the Board finds
23 Respondent is in default. The Board will take action without further hearing and, based on the
24 relevant evidence contained in the Default Decision Evidence Packet in this matter, as well as
25 taking official notice of all the investigatory reports, exhibits and statements contained therein on
26 file at the Board's offices regarding the allegations contained in Accusation No. 4950, finds that
27 the charges and allegations in Accusation No. 4950, are separately and severally, found to be true
28 and correct by clear and convincing evidence.

 9. Taking official notice of its own internal records, pursuant to Business and
Professions Code section 125.3, it is hereby determined that the reasonable costs for Investigation
and Enforcement are \$2,602.50 as of August 23, 2016.

DETERMINATION OF ISSUES

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2 1. Based on the foregoing findings of fact, Respondent Sandra Allyn Cortopassi has
3 subjected her Pharmacy Technician License No. TCH 16972 to discipline.

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

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

8 a. Respondent's License is subject to revocation pursuant to Business and Professions
9 Code section(s) 4301(l) and/or 490, by reference to California Code of Regulations, title 16,
10 section 1770, for conviction of substantially related crime(s), in that on or about September 14,
11 2015, in *People v. Sandra Cortopassi aka Sandra Allyn Cortopassi*, Case No. 445078-6 in
12 Alameda County Superior Court, Respondent was convicted of violating Vehicle Code section
13 23152, subdivision (b) (Driving With Blood Alcohol of 0.08% or Higher), a misdemeanor.

14 b. Respondent's License is subject to revocation pursuant to Business and Professions
15 Code section 4301(h) in that, as stated above, she used alcohol in a dangerous/injurious manner.

16 c. Respondent's License is subject to revocation pursuant to Business and Professions
17 Code section 4301, in that Respondent, as stated above, engaged in unprofessional conduct.

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ORDER

IT IS SO ORDERED that Pharmacy Technician License No. TCH 16972, heretofore issued to Respondent Sandra Allyn Cortopassi, 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 at 5:00 p.m. on October 31, 2016.

It is so ORDERED on September 30, 2016.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA



By

Amy Gutierrez, Pharm.D.
Board President

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DOJ Matter ID:SF2013406215

Attachment:
Exhibit A: Accusation

Exhibit A

Accusation

(SANDRA ALLYN CORTOPASSI)

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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. 4950

11 **SANDRA ALLYN CORTOPASSI**
12 **22515 Charlene Way**
13 **Castro Valley, CA 94546**

A C C U S A T I O N

14 **Pharmacy Technician License No. TCH 16972**

15 Respondent.

16 Complainant alleges:

17 PARTIES

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

20 2. On or about September 7, 1995, the Board of Pharmacy issued Pharmacy Technician
21 License Number TCH 16972 to Sandra Allyn Cortopassi (Respondent). The Pharmacy
22 Technician License was in full force and effect at all times relevant to the charges brought herein.
23 It expired on May 31, 2015, without being renewed, and was subsequently cancelled.

24 JURISDICTION

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

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1 4. Section 4011 of the Code provides that the Board shall administer and enforce both
2 the Pharmacy Law [Bus. & Prof. Code, § 4000 et seq.] and the Uniform Controlled Substances
3 Act [Health & Safety Code, § 11000 et seq.].

4 5. Section 4300(a) of the Code provides that every license issued by the Board may be
5 suspended or revoked.

6 6. Section 4300.1 of the Code provides that the expiration, cancellation, forfeiture, or
7 suspension of a Board-issued license, the placement of a license on a retired status, or the
8 voluntary surrender of a license by a licensee, shall not deprive the Board of jurisdiction to
9 commence or proceed with any investigation of, or action or disciplinary proceeding against, the
10 licensee or to render a decision suspending or revoking the license.

11 STATUTORY AND REGULATORY PROVISIONS

12 7. Section 4301 of the Code provides, in pertinent part, that the Board shall take action
13 against any holder of a license who is guilty of “unprofessional conduct,” defined to include, but
14 not be limited to, any of the following:

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

20 (l) The conviction of a crime substantially related to the qualifications, functions, and duties
21 of a licensee under this chapter.

22 8. Section 490 of the Code provides, in pertinent part, that the Board may suspend or
23 revoke a license when it finds that the licensee has been convicted of a crime substantially related
24 to the qualifications, functions or duties of the license.

25 9. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
26 administrative law judge to direct a licensee found to have committed a violation of the licensing
27 act to pay a sum not to exceed its reasonable costs of investigation and enforcement.

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

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

8 FIRST CAUSE FOR DISCIPLINE

9 (Conviction of Substantially Related Crime(s))

10 11. Respondent is subject to discipline under section 4301(l) and/or section 490 of the
11 Code, by reference to California Code of Regulations, title 16, section 1770, for the conviction of
12 substantially related crime(s), in that on or about September 14, 2015, in the criminal case *People*
13 *v. Sandra Cortopassi aka Sandra Allyn Cortopassi*, Case No. 445078-6 in Alameda County
14 Superior Court, Respondent was convicted of violating Vehicle Code section 23152, subdivision
15 (b) (Driving With Blood Alcohol of 0.08% or Higher), a misdemeanor, as follows:

16 a. On or about September 10, 2012, at approximately 11:27 p.m., Alameda County
17 Sheriff's Office responded to a call regarding a suspicious person possibly trespassing inside an
18 abandoned house in Castro Valley, CA. Upon arrival, the responding officer(s) saw Respondent
19 in the driveway next to a truck. Respondent said she had driven the truck there, and the engine of
20 the truck was still warm. The responding officer(s) noticed the smell of alcohol from Respondent
21 and that she exhibited signs of being under the influence of alcohol. In response to questioning,
22 Respondent admitted that she had been drinking. The officer(s) administered Field Sobriety Tests
23 (FSTs) to Respondent. Her performance confirmed the officer(s)' suspicions of intoxication. She
24 declined to consent to a Presumptive Alcohol Screening (PAS) device screening.

25 b. On or about October 12, 2012, Respondent was charged in Case No. 252950 in
26 Alameda County Superior Court with violating (1) Vehicle Code section 23152, subdivision (a)
27 (Driving Under the Influence of Alcohol/Drugs), a misdemeanor, and (2) Vehicle Code section
28 23152, subdivision (b) (Driving With Blood Alcohol of 0.08% or Higher), a misdemeanor.

1 c. Significant time passed as Respondent pursued various legal options. On or
2 about September 14, 2015, Respondent entered a plea of nolo contendere to and was found guilty
3 of Count (2). Count (1) was dismissed. Imposition of sentence was suspended and Respondent
4 was placed on Conditional Sentence (probation) for a period of three (3) years, with certain terms
5 and conditions including two (2) days in jail (1 day CTS), with eligibility for the Weekend Work
6 Program, a 3-month Driving Under the Influence School, testing, and fines and fees.

7 SECOND CAUSE FOR DISCIPLINE

8 (Dangerous Use of Alcohol)

9 12. Respondent is subject to discipline under section 4301(h) of the Code, in that as
10 described in paragraph 11, Respondent used alcohol in a dangerous manner.

11 THIRD CAUSE FOR DISCIPLINE

12 (Unprofessional Conduct)

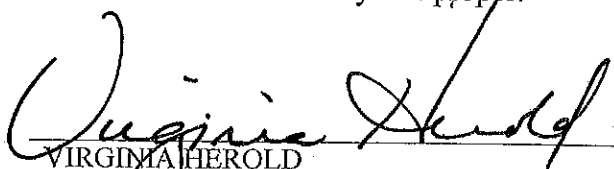
13 13. Respondent is subject to discipline under section 4301 of the Code in that, as
14 described in paragraphs 11-12 above, Respondent engaged in unprofessional conduct.

15 PRAYER

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

- 18 1. Revoking or suspending Pharmacy Technician License Number TCH 16972, issued to
19 Sandra Allyn Cortopassi (Respondent);
- 20 2. Ordering Respondent to pay the Board the reasonable costs of the investigation and
21 enforcement of this case, pursuant to Business and Professions Code section 125.3;
- 22 3. Taking such other and further action as deemed necessary and proper.

23
24 DATED: 11/3/15


25 VIRGINIA HEROLD
26 Executive Officer
27 Board of Pharmacy
28 Department of Consumer Affairs
State of California
Complainant

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