

Attn: Jane Russell



California State Board of Pharmacy  
1625 N. Market Blvd, N219, Sacramento, CA 95834  
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CALIFORNIA STATE BOARD OF PHARMACY

BUSINESS, CONSUMER SERVICES AND HOUSING AGENCY  
DEPARTMENT OF CONSUMER AFFAIRS  
GOVERNOR EDMUND G. BROWN JR.

2015 JAN 30 AM 2:49

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

PLEASE PRINT IN BLACK OR BLUE INK OR TYPE YOUR RESPONSES

Name: <u>Venessa Marie Ochoa</u>	Case No. <u>4976</u>
Address of Record: <u>7515 Sheldon Road Unit 22103</u> <u>Elk Grove, CA 95758</u>	

Pursuant to the terms and conditions of my probation with the California State Board of Pharmacy (Board) in Case No. 4976, I hereby request to surrender my pharmacy technician license, License No. TCH120043. 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.

[Signature]  
Applicant's Signature

1/29/15  
Date

[Signature]  
Executive Officer's Approval

2/3/15  
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:

**VANESSA MARIE OCHOA,  
AKA VANESSA M. OCHOA,  
AKA VENESSA MARIE OCHOA,  
AKA VENESSA M. OCHOA  
7515 Sheldon Rd., #22103  
Elk Grove, CA 95758**

**Pharmacy Technician Registration  
No. TCH 120043**

Respondent.

Case No. 4976

OAH No. 2014040551

**STIPULATED SETTLEMENT AND  
DISCIPLINARY ORDER**

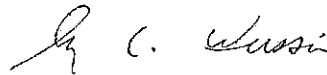
**DECISION AND ORDER**

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 January 28, 2015.

It is so ORDERED on January 21, 2015.

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 KENT D. HARRIS  
Supervising Deputy Attorney General  
3 LESLIE A. BURGERMYER  
Deputy Attorney General  
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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:

Case No. 4976

13 **VANESSA MARIE OCHOA,**  
14 **AKA VANESSA M. OCHOA,**  
15 **AKA VENESSA MARIE OCHOA,**  
16 **AKA VENESSA M. OCHOA**  
17 **7515 Sheldon Rd., #22103**  
18 **Elk Grove, CA 95758**

OAH No. 2014040551

**STIPULATED SETTLEMENT AND  
DISCIPLINARY ORDER**

19 **Pharmacy Technician Registration**  
20 **No. TCH 120043**

21 Respondent.

22 **IT IS HEREBY STIPULATED AND AGREED** by and between the parties to the above-  
23 entitled proceedings that the following matters are true:

24 **PARTIES**

25 1. Virginia Herold ("Complainant") is the Executive Officer of the Board of Pharmacy  
26 ("Board"), Department of Consumer Affairs. She brought this action solely in her official  
27 capacity and is represented in this matter by Kamala D. Harris, Attorney General of the State of  
28 California, by Leslie A. Burgermyer, Deputy Attorney General.





1 Order may not be altered, amended, modified, supplemented, or otherwise changed except by a  
2 writing executed by an authorized representative of each of the parties.

3 15. In consideration of the foregoing admissions and stipulations, the parties agree that  
4 the Board may, without further notice or formal proceeding, issue and enter the following  
5 Disciplinary Order:

6 **DISCIPLINARY ORDER**

7 **IT IS HEREBY ORDERED** that Pharmacy Technician Registration No. TCH 120043  
8 issued to Respondent Vanessa Marie Ochoa, also known as Vanessa M. Ochoa, Venessa Marie  
9 Ochoa, and Venessa M. Ochoa, ("Respondent") is revoked. However, the revocation is stayed  
10 and Respondent is placed on probation for four (4) years on the following terms and conditions.

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

12 Respondent shall be automatically suspended from working as a pharmacy technician until  
13 she is certified as defined by Business and Professions Code section 4202, subdivision (a)(4) and  
14 provides satisfactory proof of certification to the board. Respondent shall not resume working as  
15 a pharmacy technician until notified by the board. Failure to achieve certification within one (1)  
16 year shall be considered a violation of probation. Respondent shall not resume working as a  
17 pharmacy technician until notified by the board.

18 During suspension, Respondent shall not enter any pharmacy area or any portion of any  
19 other board licensed premises (wholesaler, veterinary food-animal drug retailer or any other  
20 distributor of drugs) any drug manufacturer, or any other location where dangerous drugs and  
21 devices or controlled substances are maintained. Respondent shall not do any act involving drug  
22 selection, selection of stock, manufacturing, compounding or dispensing; nor shall respondent  
23 manage, administer, or assist any licensee of the board. Respondent shall not have access to or  
24 control the ordering, manufacturing or dispensing of dangerous drugs and devices or controlled  
25 substances. Respondent shall not resume work until notified by the board.

26 Subject to the above restrictions, respondent may continue to own or hold an interest in any  
27 licensed premises by the board in which she holds an interest at the time this decision becomes  
28 effective unless otherwise specified in this order.

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

2 **2. Obey All Laws**

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

4 Respondent shall report any of the following occurrences to the board, in writing, within  
5 seventy-two (72) hours of such occurrence:

6 a. An arrest or issuance of a criminal complaint for violation of any provision of the  
7 Pharmacy Law, state and federal food and drug laws, or state and federal controlled substances  
8 laws;

9 b. A plea of guilty or nolo contendere in any state or federal criminal proceeding to  
10 any criminal complaint, information or indictment;

11 c. A conviction of any crime; and

12 d. Discipline, citation, or other administrative action filed by any state or federal  
13 agency which involves Respondent's pharmacy technician license or which is related to the  
14 practice of pharmacy or the manufacturing, obtaining, handling, distributing, billing, or charging  
15 for any drug, device or controlled substance.

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

17 **3. Report to the Board**

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

26 **4. Interview with the Board**

27 Upon receipt of reasonable prior notice, respondent shall appear in person for interviews  
28 with the board or its designee, at such intervals and locations as are determined by the Board or

1 its designee. Failure to appear for any scheduled interview without prior notification to Board  
2 staff, or failure to appear at two (2) or more scheduled interviews with the Board or its designee  
3 during the period of probation, shall be considered a violation of probation.

4 **5. Cooperate with Board Staff**

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

8 **6. Notice to Employers**

9 During the period of probation, Respondent shall notify all present and prospective  
10 employers of the decision in Accusation No. 4976 and the terms, conditions and restrictions  
11 imposed on Respondent by the decision, as follows:

12 Within thirty (30) days of the effective date of this decision, and within fifteen (15) days of  
13 Respondent undertaking any new employment, Respondent shall cause her direct supervisor,  
14 pharmacist-in-charge (including each new pharmacist-in-charge employed during Respondent's  
15 tenure of employment) and owner to report to the Board in writing acknowledging that the listed  
16 individual(s) has/have read the decision in Accusation No. 4976 and the terms and conditions  
17 imposed thereby. It shall be Respondent's responsibility to ensure that her employer(s) and/or  
18 supervisor(s) submit timely acknowledgement(s) to the Board.

19 If Respondent works for or is employed by or through a pharmacy employment service,  
20 Respondent must notify her direct supervisor, pharmacist-in-charge and owner at every pharmacy  
21 of the terms and conditions of the decision in Accusation No. 4976 in advance of the Respondent  
22 commencing work at each pharmacy. A record of this notification must be provided to the Board  
23 upon request.

24 Furthermore, within thirty (30) days of the effective date of this decision, and within fifteen  
25 (15) days of Respondent undertaking any new employment by or through a pharmacy employ-  
26 ment service, Respondent shall cause her direct supervisor with the pharmacy employment  
27 service to report to the Board in writing acknowledging that she has read the decision in  
28 Accusation No. 4976 and the terms and conditions imposed thereby. It shall be Respondent's



1 responsibility to ensure that her employer(s) and/or supervisor(s) submit timely acknowledge-  
2 ment(s) to the Board.

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

6 "Employment" within the meaning of this provision shall include any full-time, part-time;  
7 temporary or relief service or pharmacy management service as a pharmacy technician or in any  
8 position for which a pharmacy technician license is a requirement or criterion for employment,  
9 whether the Respondent is considered an employee, independent contractor, or volunteer.

#### 10 7. Reimbursement of Board Costs

11 As a condition precedent to successful completion of probation, Respondent shall pay to the  
12 Board its costs of investigation and prosecution in the amount of \$2,762.50. Respondent shall  
13 make said payments as follows: equal monthly installments commencing with the first month of  
14 probation and ending with final payment three (3) months prior to the end of Respondent's  
15 probation. There shall be no deviation from this schedule absent prior written approval by the  
16 board or its designee. Failure to pay costs by the deadline(s) as directed shall be considered a  
17 violation of probation.

18 The filing of bankruptcy by Respondent shall not relieve Respondent of her responsibility  
19 to reimburse the Board its costs of investigation and prosecution.

#### 20 8. Probation Monitoring Costs

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

#### 25 9. Status of License

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

1 If Respondent's pharmacy technician license expires or is cancelled by operation of law or  
2 otherwise at any time during the period of probation, including any extensions thereof due to  
3 tolling or otherwise, upon renewal or reapplication Respondent's license shall be subject to all  
4 terms and conditions of this probation not previously satisfied.

5 **10. License Surrender While on Probation/Suspension**

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

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

20 **11. Notification of a Change in Name, Residence Address, Mailing Address or**  
21 **Employment**

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

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

1           **12. Tolling of Probation**

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

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

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

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

21           **13. Violation of Probation**

22           If a Respondent has not complied with any term or condition of probation, the Board shall  
23 have continuing jurisdiction over Respondent, and probation shall automatically be extended,  
24 until all terms and conditions have been satisfied or the Board has taken other action as deemed  
25 appropriate to treat the failure to comply as a violation of probation, to terminate probation, and  
26 to impose the penalty (license revocation) that was stayed.

27           If Respondent violates probation in any respect, the Board, after giving Respondent notice  
28 and an opportunity to be heard, may revoke probation and carry out the disciplinary order that

1 was stayed. Notice and opportunity to be heard are not required for those provisions stating that a  
2 violation thereof may lead to automatic termination of the stay and/or revocation of the license. If  
3 a petition to revoke probation or an accusation is filed against Respondent during probation, the  
4 Board shall have continuing jurisdiction, and the period of probation shall be automatically  
5 extended until the petition to revoke probation or accusation is heard and decided.

6 **14. Completion of Probation**

7 Upon written notice by the Board indicating successful completion of probation, Respon-  
8 dent's pharmacy technician license will be fully restored.

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

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

17 Respondent shall not acquire any new ownership, legal or beneficial interest nor serve as a  
18 manager, administrator, member, officer, director, trustee, associate, or partner of any additional  
19 business, firm, partnership, or corporation licensed by the board. If Respondent currently owns or  
20 has any legal or beneficial interest in, or serve as a manager, administrator, member, officer,  
21 director, trustee, associate, or partner of any business, firm, partnership, or corporation currently  
22 or hereinafter licensed by the board, respondent may continue to serve in such capacity or hold  
23 that interest, but only to the extent of that position or interest as of the effective of this decision.  
24 Violation of this restriction shall be considered a violation of probation.

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

26 Within thirty (30) days of the effective date of this decision, Respondent shall begin regular  
27 attendance at a recognized and established substance abuse recovery support group in California,  
28 (e.g., Alcoholics Anonymous, Narcotics Anonymous, etc.) which has been approved by the Board

1 or its designee. Respondent must attend at least one (1) group meeting per week unless otherwise  
2 directed by the Board or its designee. Respondent shall continue regular attendance and submit  
3 signed and dated documentation confirming attendance with each quarterly report for the duration  
4 of probation. Failure to attend or submit documentation thereof shall be considered a violation of  
5 probation.

6 **17. Random Drug Screening**

7 Respondent, at her own expense, shall participate in random testing, including but not  
8 limited to, biological fluid testing (urine, blood), breathalyzer, hair follicle testing, or other drug  
9 screening program as directed by the Board or its designee. Respondent may be required to  
10 participate in testing for the entire probation period and the frequency of testing will be  
11 determined by the Board or its designee. At all times Respondent shall fully cooperate with the  
12 Board or its designee, and shall, when directed, submit to such tests and samples for the detection  
13 of alcohol, narcotics, hypnotics, dangerous drugs or other controlled substances as the Board or  
14 its designee may direct. Failure to timely submit to testing as directed shall be considered a  
15 violation of probation. Upon request of the Board or its designee, Respondent shall provide  
16 documentation from a licensed practitioner that the prescription for a detected drug was  
17 legitimately issued and is a necessary part of the treatment of the Respondent. Failure to timely  
18 provide such documentation shall be considered a violation of probation. Any confirmed positive  
19 test for alcohol or for any drug not lawfully prescribed by a licensed practitioner as part of a  
20 documented medical treatment shall be considered a violation of probation and shall result in the  
21 automatic suspension of work by respondent. Respondent may not resume work as a pharmacy  
22 technician until notified by the Board in writing.

23 During suspension, Respondent shall not enter any pharmacy area or any portion of or 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 shall not do any act involving drug  
27 selection, selection of stock, manufacturing, compounding or dispensing; nor shall Respondent  
28 manage, administer, or assist any licensee of the Board. Respondent shall not have access to or

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

3 Respondent shall not direct, control or perform any aspect of the practice of pharmacy.  
4 Subject to the above restrictions, Respondent may continue to own or hold an interest in any  
5 licensed premises in which she holds an interest at the time this decision becomes effective unless  
6 otherwise specified in this order.

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

8 **18. Work Site Monitor**

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

19 **19. Abstain from Drugs and Alcohol Use**


20 Respondent shall completely abstain from the possession or use of alcohol, controlled  
21 substances, dangerous drugs and their associated paraphernalia except when the drugs are  
22 lawfully prescribed by a licensed practitioner as part of a documented medical treatment. Upon  
23 request of the Board or its designee, Respondent shall provide documentation from the licensed  
24 practitioner that the prescription for the drug was legitimately issued and is a necessary part of the  
25 treatment of the Respondent. Failure to timely provide such documentation shall be considered a  
26 violation of probation. Respondent shall ensure that she is not in the same physical location as  
27 individuals who are using illicit substances even if Respondent is not personally ingesting the  
28 drugs. Any possession or use of alcohol, controlled substances, or their associated paraphernalia

1 not supported by the documentation timely provided, and/or any physical proximity to persons  
2 using illicit substances, shall be considered a violation of probation.

3 ACCEPTANCE

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

8  
9 DATED: 12/22/14

  
10 VANESSA MARIE OCHOA  
11 AKA VANESSA M. OCHOA,  
12 AKA VENESSA MARIE OCHOA,  
13 AKA VENESSA M. OCHOA  
14 Respondent

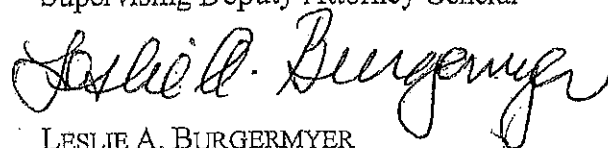
15 ENDORSEMENT

16 The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully  
17 submitted for consideration by the Board of Pharmacy.

18 DATED: 12/22/14

Respectfully submitted,

19 KAMALA D. HARRIS  
20 Attorney General of California  
21 KENT D. HARRIS  
22 Supervising Deputy Attorney General

  
23 LESLIE A. BURGERMYER  
24 Deputy Attorney General  
25 *Attorneys for Complainant*

26  
27 SA2013113587 / 11643594.doc

**Exhibit A**

**Accusation No. 4976**



1 KAMALA D. HARRIS  
Attorney General of California  
2 KENT D. HARRIS  
Supervising Deputy Attorney General  
3 LESLIE A. BURGERMYER  
Deputy Attorney General  
4 State Bar No. 117576  
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Sacramento, CA 94244-2550  
6 Telephone: (916) 324-5337  
Facsimile: (916) 327-8643  
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:

Case No. 4976

13 **VANESSA MARIE OCHOA,**  
14 **aka VANESSA M. OCHOA,**  
15 **aka VENESSA MARIE OCHOA,**  
16 **aka VENESSA M. OCHOA**  
17 **7515 Sheldon Rd., #22103**  
18 **Elk Grove, CA 95758**

**ACCUSATION**

19 **Pharmacy Technician Registration No. TCH 120043**

20 **Respondent.**

21 Complainant alleges:

22 **PARTIES**

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

26 2. On or about April 16, 2012, the Board issued Pharmacy Technician Registration  
27 Number TCH 120043 to Vanessa Marie Ochoa, also known as Vanessa M. Ochoa, Venessa  
28 Marie Ochoa, and Venessa M. Ochoa ("Respondent"). The registration was in full force and  
effect at all times mentioned herein and will expire on September 30, 2015, unless renewed.

///



1 REGULATORY PROVISION

2 7. California Code of Regulations ("CCR"), title 16, section 1770, states:

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

7 COST RECOVERY

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

12 FIRST CAUSE FOR DISCIPLINE

13 (Conviction of Crime)

14 9. Respondent's license is subject to disciplinary action under Code section 4301,  
15 subdivision (7), on the grounds of unprofessional conduct, in that on or about July 16, 2013,  
16 Respondent was convicted on her plea of nolo contendere in the case titled *People v. Venessa*  
17 *Ochoa*, San Joaquin County Superior Court Case No. SI61506A, to violating Vehicle Code  
18 section 23152, subdivision b [drove a vehicle while having a blood alcohol level of .08% or  
19 more], a misdemeanor. Respondent's blood alcohol concentration measured .23 percent. The  
20 crime is substantially related to the qualifications, functions, and duties of a registered pharmacy  
21 technician.

22 a. The underlying circumstances are as follows: On or about June 6, 2013, a police  
23 officer responded to a traffic collision involving Respondent due to running a Stop sign at an  
24 intersection of Armstrong Road and Micke Grove Road, in an unincorporated area of San  
25 Joaquin County. Respondent admitted to the officer that she had consumed three 12 ounce beers  
26 prior to driving her vehicle on public roads. She performed poorly on the Field Sobriety Tests.  
27 Respondent's preliminary alcohol screenings resulted in blood alcohol concentrations of .25  
28 percent and .27 percent.

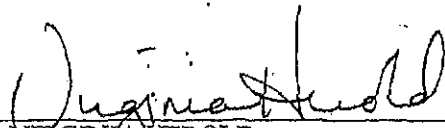


1           2.     Ordering Vanessa Marie Ochoa, also known as Vanessa M. Ochoa, Venessa  
2 Marie Ochoa, and Venessa M. Ochoa, to pay the Board of Pharmacy the reasonable costs  
3 of the investigation and enforcement of this case, pursuant to Business and Professions  
4 Code section 125.3; and

5           3.     Taking such other and further action as deemed necessary and proper.  
6

7  
8 DATED: \_\_\_\_\_

3/15/14



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

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