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

In the Matter of the Accusation Against:

Case No. 5051

TRICIA MARIE SPORLEDER 9751 Brittany Lane Acampo, CA 95220

Pharmacy Technician Registration No. TCH 46913

Respondent.

DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order for Surrender and 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 9, 2015.

It is so ORDERED on January 2, 2015.

BOARD OF PHARMACY DEPARTMENT OF CONSUMER AFFAIRS STATE OF CALIFORNIA

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By

STAN C. WEISSER Board President

1	Kamala D, Harris		
2	Attorney General of California KENT D. HARRIS		
3	Supervising Deputy Attorney General DAVID E. BRICE		
4	Deputy Attorney General State Bar No. 269443		
5	1300 I Street, Suite 125 P.O. Box 944255		
6	Sacramento, CA 94244-2550		
7	Telephone: (916) 324-8010 Facsimile: (916) 327-8643 E-mail: David.Brice@doj.ca.gov		
8	Attorneys for Complainant		
	BEFORE THE		
9	BOARD OF PHARMACY DEPARTMENT OF CONSUMER AFFAIRS		
10 11	STATE OF CALIFORNIA		
12	In the Matter of the Accusation Against:	Case No. 5051	
12	TRICIA MARIE SPORLEDER	OAH No. 2014040218	
13	9751 Brittany Lane	STIPULATED SURRENDER OF	
14	Acampo, CA 95220 Pharmacy Technician Registration No. TCH	LICENSE AND ORDER	
16	46913		
17	Respondent.		
18			
19	IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-		
20	entitled proceedings that the following matters are true:		
21	PARTIES		
21	1. Virginia Herold (Complainant) is the Executive Officer of the Board of Pharmacy.		
23	She brought this action solely in her official capacity and is represented in this matter by Kamala		
	D. Harris, Attorney General of the State of California, by David E. Brice, Deputy Attorney		
24	General.		
25	2. Tricia Marie Sporleder (Respondent) is representing herself in this proceeding and		
26	has chosen not to exercise her right to be represe	nted by counsei.	
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3. On or about January 31, 2003, the Board of Pharmacy issued Pharmacy Technician
 Registration No. TCH 46913 to Tricia Marie Sporleder (Respondent). The Pharmacy Technician
 Registration was in full force and effect at all times relevant to the charges brought in Accusation
 No. 5051 and will expire on September 30, 2016, unless renewed.

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JURISDICTION

4. Accusation No. 5051 was filed before the Board of Pharmacy (Board), Department of
Consumer Affairs, and is currently pending against Respondent. The Accusation and all other
statutorily required documents were properly served on Respondent on March 14, 2014.
Respondent timely filed her Notice of Defense contesting the Accusation. A copy of Accusation
No. 5051 is attached as Exhibit A and incorporated by reference.

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ADVISEMENT AND WAIVERS

S. Respondent has carefully read, and understands the charges and allegations in
 Accusation No. 5051. Respondent also has carefully read, and understands the effects of this
 Stipulated Surrender of License and Order.

6. Respondent is fully aware of her legal rights in this matter, including the right to a
hearing on the charges and allegations in the Accusation; the right to be represented by counsel, at
her own expense; the right to confront and cross-examine the witnesses against her; the right to
present evidence and to testify on her own behalf; the right to the issuance of subpoenas to
compel the attendance of witnesses and the production of documents; the right to reconsideration
and court review of an adverse decision; and all other rights accorded by the California
Administrative Procedure Act and other applicable laws.

22 7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and
23 every right set forth above.

<u>CULPABILITY</u>

8. Respondent admits the truth of each and every charge and allegation in Accusation
No. 5051, agrees that cause exists for discipline and hereby surrenders her Pharmacy Technician
Registration No. TCH 46913 for the Board's formal acceptance.

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9. Respondent understands that by signing this stipulation she enables the Board to issue an order accepting the surrender of her Pharmacy Technician Registration without further process.

RESERVATION

10, The admissions made by Respondent herein are only for the purposes of this proceeding, or any other proceedings in which the Board of Pharmacy or other professional licensing agency is involved, and shall not be admissible in any other criminal or civil proceeding.

CONTINGENCY

11. This stipulation shall be subject to approval by the Board of Pharmacy. Respondent 10 understands and agrees that counsel for Complainant and the staff of the Board of Pharmacy may 11 12 communicate directly with the Board regarding this stipulation and surrender, without notice to or participation by Respondent. By signing the stipulation, Respondent understands and agrees that 13 she may not withdraw her agreement or seek to rescind the stipulation prior to the time the Board 14 considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order, 15 the Stipulated Surrender and Disciplinary Order shall be of no force or effect, except for this 16 paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not 17 be disgualified from further action by having considered this matter. 18

12. The parties understand and agree that Portable Document Format (PDF) and facsimile copies of this Stipulated Surrender of License and Order, including Portable Document Format 20(PDF) and facsimile signatures thereto, shall have the same force and effect as the originals.

This Stipulated Surrender of License and Order is intended by the parties to be an 13. 22 integrated writing representing the complete, final, and exclusive embodiment of their agreement. 23 It supersedes any and all prior or contemporaneous agreements, understandings, discussions, 24 negotiations, and commitments (written or oral). This Stipulated Surrender of License and Order 25 may not be altered, amended, modified, supplemented, or otherwise changed except by a writing 26 27 executed by an authorized representative of each of the parties.

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- 14. In consideration of the foregoing admissions and stipulations, the parties agree that the Board may, without further notice or formal proceeding, issue and enter the following Order:
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ORDER

IT IS HEREBY ORDERED that Pharmacy Technician Registration No. TCH 46913, issued to Respondent Tricia Marie Sporleder, is surrendered and accepted by the Board of Pharmacy.

 The surrender of Respondent's Pharmacy Technician Registration and the acceptance of the surrendered license by the Board shall constitute the imposition of discipline against Respondent. This stipulation constitutes a record of the discipline and shall become a part of Respondent's license history with the Board of Pharmacy.

Respondent shall lose all rights and privileges as a Pharmacy Technician in California
 as of the effective date of the Board's Decision and Order.

3. Respondent shall cause to be delivered to the Board her pocket license and, if one was
issued, her wall certificate on or before the effective date of the Decision and Order.

4. If Respondent ever files an application for licensure or a petition for reinstatement in
the State of California, the Board shall treat it as a new application for licensure. Respondent
must comply with all the laws, regulations and procedures for licensure in effect at the time the
application or petition is filed, and all of the charges and allegations contained in Accusation No.
5051 shall be deemed to be true, correct and admitted by Respondent when the Board determines
whether to grant or deny the application.

Respondent shall satisfy all requirements applicable to that license as of the date the
application is submitted to the board, including, but not limited to certification by a nationally
recognized body prior to the issuance of a new license. Respondent is required to report this
surrender as disciplinary action.

Respondent may not apply for or reapply for, or petition for reinstatement of, any license,
permit, or registration from the Board for three (3) years from the effective date of this Decision
and Order.

27 Respondent shall pay the Board its costs of investigation and enforcement in the amount of
28 \$3,047.50 prior to issuance of a new or reinstated license.

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5. If Respondent should ever apply or reapply for a new license or certification, or petition for reinstatement of a license, by any other health care licensing agency in the State of California, all of the charges and allegations contained in Accusation, No. 5051 shall be deemed to be true, correct, and admitted by Respondent for the purpose of any Statement of Issues or any other proceeding seeking to deny or restrict licensure.

ACCEPTANCE

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

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DATED:

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Respondent

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Stipulated Surrender of License (Case No. 5051)



Exhibit A

Accusation No. 5051

1	Kamala D, Harris			
2	Attorney General of California KENT D. HARRIS			
3	Supervising Deputy Attorney General STEPHANIE ALAMO-LATIF			
4	Deputy Attorney General State Bar No. 283580			
5	1300 I Street, Suite 125 P.O. Box 944255			
6	Sacramento, CA 94244-2550 Telephone: (916) 327-6819			
7	Facsimile: (916) 327-8643 E-mail: Stephanie, AlamoLatif@doj.ca.gov			
8	Attorneys for Complainant			
9				
	BOARD OF PHARMACY			
10	DEPARTMENT OF CONSUMER AFFAIRS STATE OF CALIFORNIA			
11				
12	In the Matter of the Accusation Against: Case No. 5051			
13	TRICIA MARIE SPORLEDER 9751 Brittany Lane			
14	Acampo, CA 95220 A C C U S A T I O N			
15 16	Pharmacy Technician Registration No. TCH 46913			
17	Respondent.			
18				
19	Virginia Herold ("Complainant") alleges:			
[.] 20	PARTIES			
21	1. Complainant brings this Accusation solely in her official capacity as the Executive			
22	Officer of the Board of Pharmacy, Department of Consumer Affairs.			
23	2. On or about January 31, 2003, the Board of Pharmacy issued Pharmacy Technician			
24	Registration Number TCH 46913 to Tricia Marie Sporleder ("Respondent"). The Pharmacy			
25	Technician Registration was in full force and effect at all times relevant to the charges brought			
26	herein and will expire on September 30, 2014, unless renewed.			
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	Accusation (Case No. 505)			

Accusation (Case No. 5051)

1	JURISDICTION		
2	3. This Accusation is brought before the Board of Pharmacy ("Board"), Department of		
3	Consumer Affairs, under the authority of the following laws. All section references are to the		
4	Business and Professions Code ("Code") unless otherwise indicated.		
5	4. Code section 4300 provides, in pertinent part:		
6	"(a) Every license issued may be suspended or revoked."		
7			
8	5. Code section 4300.1 provides, in pertinent part:		
9	"The expiration, cancellation, forfeiture, or suspension of a board-issued license by operation		
10	of law or by order or decision of the board or a court of law, the placement of a license on a		
11	retired status, or the voluntary surrender of a license by a licensee shall not deprive the board of		
12	jurisdiction to commence or proceed with any investigation of, or action or disciplinary proceeding		
13	against, the licensee or to render a decision suspending or revoking the license."		
14	STATUTORY PROVISIONS		
15	6. Section 4060 of the Code states:		
16	"No person shall possess any controlled substance, except that furnished to a person upon		
17	the prescription of a physician, dentist, podiatrist, optometrist, veterinarian, or naturopathic		
18	doctor"		
19	7. Code section 4301 of the Code provides, in pertinent part:		
20	"The board shall take action against any holder of a license who is guilty of unprofessional		
21	conduct or whose license has been procured by fraud or misrepresentation or issued by mistake.		
22	Unprofessional conduct shall include, but is not limited to, any of the following:		
23	••••		
24	"(h) The administering to oneself, of any controlled substance, or the use of any dangerous		
25	drug or of alcoholic beverages to the extent or in a manner as to be dangerous or injurious to		
26	oneself, to a person holding a license under this chapter, or to any other person or to the public"		
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"(j) The violation of any of the statutes of this state, or any other state, or of the United States regulating controlled substances and dangerous drugs."

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

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

COST RECOVERY

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

<u>DRUGS</u>

9. Diazepam ("Valium") is a Schedule IV controlled substance pursuant to Health and
Safety Code section 11057, subdivision (d), and a dangerous drug pursuant to Business and
Professions Code section 4022.

FIRST CAUSE FOR DISCIPLINE

(Conviction of Crime)

10. Respondent is subject to disciplinary action under Code section 4301, subdivision (*l*),
for unprofessional conduct, in that Respondent was convicted of the following crime which is
substantially related to the qualifications, functions or duties of a licensed pharmacy technician: On
or about October 25, 2013, in the case of *People v. Tricia Marie Sporleder* (Super Ct. San
Joaquin County, Case No. ST061670A), Respondent was convicted by the Court on her-plea of no
contest of violating Vehicle Code section 23152, subdivision (b) (driving while having a blood
alcohol content of .08% or higher), a misdemeanor. The facts and circumstances are as follows:

a. On or about July 6, 2013, Respondent drove a motor vehicle with a blood 1 alcohol content (BAC) of 29%. 2 SECOND CAUSE FOR DISCIPLINE 3 (Dangerous Use of Alcohol) 4 11. Respondent is subject to disciplinary action under Code section 4301, subdivision (h), 5 for unprofessional conduct, in that on or about July 6, 2013, Respondent used alcoholic beverages 6 to an extent or in a manner dangerous or injurious to herself and the public when she operated a 7 vehicle while under the influence of alcohol, as more fully set forth above in paragraph 10 and its 8 9 subpart. THIRD CAUSE FOR DISCIPLINE 10 (Unlawful Possession of Controlled Substance) 11 Respondent is subject to disciplinary action under Code section 4060 in that 12. 12 Respondent possessed a controlled substance without authorization or valid prescription thereof. 13 The facts and circumstances are as follows: 14 15 a. On or about July 6, 2013, an officer with the Lodi Police Department initiated a traffic stop for vehicle code violations on the vehicle Respondent was driving. During the officer's 16 17 contact with Respondent, she admitted to the Officer that she had about three beers and a shot 18 prior to driving because it was her friend's birthday. Based on Respondent's failure to perform Field Sobriety Tests satisfactorily, and the Officer's objective observations of Respondent's 19 physical symptoms of intoxication, Respondent was arrested for driving while under the influence 20 21 of alcohol and transported to the Lodi City Jail. During the search of Respondent's purse, an Officer located a prescription pill bottle for Codeine belonging to Respondent. In that bottle were 22 several white pills that appeared to be Codeine, as well as several smaller yellow and orange pills. 23 Respondent admitted to the Officer that the pills other than Codeine were Valium. She admitted 24 25 that she does not have a prescription for Valium, and that they were given to her by her mother. Four of the pills were marked with "V" and "2632." Two of the pills were marked "5" and 26 "5619." All six pills were later determined to be Diazepam (Valium). 27 FOURTH CAUSE FOR DISCIPLINE 28 4

Accusation (Case No. 5051)

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1	(Violation of Laws Regulating Controlled Substances and Dangerous Drugs)	
2	13. Respondent is subject to disciplinary action under Code section 4301, subdivision (j),	
3	for unprofessional conduct, in that Respondent violated the laws regulating controlled substances	
4	and dangerous drugs, as set forth more fully above in paragraph 12 and its subpart.	
5	FIFTH CAUSE FOR DISCIPLINE	
• 6	(Violating Laws of Pharmacy)	
7	14. Respondent is subject to disciplinary action under Code section 4301, subdivision (0),	
8	for unprofessional conduct, in that Respondent violated the laws and regulations governing	
9	pharmacy, as more fully set forth above in paragraphs 10 through 13, and their subparts.	
10	PRAYER	
11	WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,	
12	and that following the hearing, the Board of Pharmacy issue a decision:	
13	1. Revoking or suspending Pharmacy Technician Registration Number TCH 46913,	
14	issued to Tricia Marie Sporleder;	
15	2. Ordering Tricia Marie Sporleder to pay the Board of Pharmacy the reasonable costs of	
16	the investigation and enforcement of this case, pursuant to Business and Professions Code section	
17	125.3,	
18	3. Taking such other and further action as deemed necessary and proper.	
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21	DATED: 2/18/14 heine Aud	
22	Executive Officer	
23	Board of Pharmacy Department of Consumer Affairs	
24	State of California Complainant	
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ļ	Accusation (Case No. 5051)	

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