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

In the Matter of the Accusation Against:  
  
**DORA BELINDA ACEVES**  
2320 W. Prospect Ave.  
Visalia, CA 93291  
  
Pharmacy Technician Registration No. TCH  
81925  
  
Respondent.

Case No. 6531  
  
**DEFAULT DECISION AND ORDER**  
  
[Gov. Code, §11520]

**FINDINGS OF FACT**

1. On or about January 23, 2021, Complainant Anne Sodergren, in her official capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs, filed Accusation No. 6531 against Dora Belinda Aceves (Respondent) before the Board of Pharmacy. (Accusation attached as Exhibit A.)
2. On or about February 28, 2008, the Board of Pharmacy (Board) issued Pharmacy Technician Registration No. TCH 81925 to Respondent. The Pharmacy Technician Registration expired on September 30, 2019, and has not been renewed.
3. On or about January 26, 2021, Respondent was served by Certified and First Class Mail copies of the Accusation No. 6531, Statement to Respondent, Notice of Defense, Request for Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6, and

1 11507.7) at Respondent's address of record which, pursuant to Business and Professions Code  
2 section 4100, is required to be reported and maintained with the Board. Respondent's address of  
3 record was and is: 2320 W. Prospect Ave. Visalia, CA 93291.

4 4. Service of the Accusation was effective as a matter of law under the provisions of  
5 Government Code section 11505(c) and/or Business and Professions Code section 124.

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

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

12 6. The Board takes official notice of its records and the fact that Respondent failed to  
13 file a Notice of Defense within 15 days after service upon her of the Accusation, and therefore  
14 waived her right to a hearing on the merits of Accusation No. 6531.

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

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

20 8. Pursuant to its authority under Government Code section 11520, the Board finds  
21 Respondent is in default. The Board will take action without further hearing and, based on the  
22 relevant evidence contained in the Default Decision Investigatory Evidence Packet in this matter,  
23 as well as taking official notice of all the investigatory reports, exhibits and statements contained  
24 therein on file at the Board's offices regarding the allegations contained in Accusation No. 6531,  
25 finds that the charges and allegations in Accusation No. 6531, are separately and severally, found  
26 to be true and correct by clear and convincing evidence.

27 9. The Board finds that the actual costs for Enforcement are \$2,082.50 as of April 9,  
28 2021.

### **DETERMINATION OF ISSUES**

1. Based on the foregoing findings of fact, Respondent Dora Belinda Aceves has  
subjected her Pharmacy Technician Registration No. TCH 81925 to discipline.

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

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

5           a.     Respondent violated Code section 4301(f) for committing acts of moral turpitude.

6           b.     Respondent violated Code section 4301(h) for her use of dangerous drugs and/or  
7 controlled substances in a dangerous manner.

8           c.     Respondent violated Code section 4301(j) for her violation of statutes regulating  
9 controlled substances and dangerous drugs.

10          4.     The facts and circumstances giving rise to the violations as set forth in paragraph 3  
11 are as follows:

12           a.     On or about February 13, 2018, officers from the Visalia Police Department  
13 were summoned to a daycare for a welfare check of a woman (Respondent) who was  
14 picking up her children. An employee of the daycare reported that Respondent was  
15 confused, barefoot, and had thrown up on herself. As officers arrived, the employee ran out  
16 of the daycare and pointed to a car being driven away by Respondent. The officers were  
17 able to catch up to Respondent's vehicle at the next intersection: Respondent had stopped  
18 her car in the middle of the intersection a full car-length past the stop sign limit line, where  
19 she was obstructing traffic, forcing other vehicles to go around her. The officers had  
20 Respondent move through the intersection and pull her car over to the side of the road,  
21 where she hit the curb before coming to a stop. The officer contacted Respondent, and  
22 observed that there were two children in the vehicle, including her 6-year-old child seated  
23 unrestrained in the front passenger seat. As the officer spoke to the Respondent, he noticed  
24 that the Respondent appeared disheveled, had droopy eyes, slow speech, and that she  
25 appeared confused. When asked why the child was seated in the front seat unrestrained,  
26 Respondent stared blankly at the officer for several seconds before answering that she  
27 "didn't even see he was sitting in the front seat." Respondent told the officer that she was  
28 taking several prescription medications, including Tramadol (a Schedule IV controlled

1 substance), Gabapentin, Amitriptyline, Paxil, Phenergen, Imitrex, Unisom, and Vistaril (all  
2 dangerous drugs), and opined that she could operate a vehicle with those medications in her  
3 system and that she “felt fine.” She also told the officer that she had previously been in  
4 rehab for a prescription pill addiction. Respondent was unable to complete a series of Field  
5 Sobriety Tests administered by the officer. A subsequent blood test of the Respondent  
6 revealed the presence of Hydrocodone.

7 **ORDER**

8 IT IS SO ORDERED that Pharmacy Technician Registration No. TCH 81925, issued to  
9 Respondent Dora Belinda Aceves, is revoked.

10 Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a  
11 written motion requesting that the Decision be vacated and stating the grounds relied on within  
12 seven (7) days after service of the Decision on Respondent. The agency in its discretion may  
13 vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

14 This Decision shall become effective at 5:00 p.m. on July 14, 2021.

15 It is so ORDERED on June 14, 2021.

16 BOARD OF PHARMACY  
17 DEPARTMENT OF CONSUMER AFFAIRS  
18 STATE OF CALIFORNIA

19  
20 By



21 Seung W. Oh, Pharm.D.  
22 Board President

23 34994731.DOCX  
24 DOJ Matter ID:SA2020303819

25 Attachment:  
26 Exhibit A: Accusation  
27  
28

# Exhibit A

Accusation

1 XAVIER BECERRA  
Attorney General of California  
2 KENT D. HARRIS  
Supervising Deputy Attorney General  
3 KEVIN W. BELL  
Deputy Attorney General  
4 State Bar No. 192063  
1300 I Street, Suite 125  
5 P.O. Box 944255  
Sacramento, CA 94244-2550  
6 Telephone: (916) 210-7511  
Facsimile: (916) 327-8643  
7 E-mail: Kevin.Bell@doj.ca.gov  
*Attorneys for Complainant*  
8

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11 **DEPARTMENT OF CONSUMER AFFAIRS**  
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**ACCUSATION**

15 **Pharmacy Technician Registration No. TCH**  
16 **81925**

17 Respondent.

18  
19 **PARTIES**

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

22 2. On or about February 28, 2008, the Board of Pharmacy issued Pharmacy Technician  
23 Registration Number TCH 81925 to Dora Belinda Aceves (Respondent). The Pharmacy  
24 Technician Registration expired on September 30, 2019, and has not been renewed.

25 **JURISDICTION**

26 3. This Accusation is brought before the Board under the authority of the following  
27 laws. All section references are to the Business and Professions Code (“Code”) unless otherwise  
28 indicated.

1 4. Code section 4300 states, in pertinent part:

2 (a) Every license issued may be suspended or revoked.

3 (b) The board shall discipline the holder of any license issued by the board,  
4 whose default has been entered or whose case has been heard by the board and found  
guilty, by any of the following methods:

5 (1) Suspending judgment.

6 (2) Placing him or her upon probation.

7 (3) Suspending his or her right to practice for a period not exceeding one year.

8 (4) Revoking his or her license.

9 (5) Taking any other action in relation to disciplining him or her as the board in  
10 its discretion may deem proper . . .

11 5. Code section 4300.1 states:

12 The expiration, cancellation, forfeiture, or suspension of a board-issued license  
13 by operation of law or by order or decision of the board or a court of law, the  
14 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  
15 investigation of, or action or disciplinary proceeding against, the licensee or to render  
a decision suspending or revoking the license.

16 **STATUTORY AND REGULATORY PROVISIONS**

17 6. Code section 4301 states, in pertinent part:

18 The board shall take action against any holder of a license who is guilty of  
unprofessional conduct or whose license has been issued by mistake. Unprofessional  
19 conduct includes, but is not limited to, any of the following:

20 . . .

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

22 . . . .

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

26 . . . .

27 (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.

28 . . . .

1 **COST RECOVERY**

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

6 **DRUGS**

7 8. *Hydrocodone* is a Schedule II controlled substance as designated by Health and  
8 Safety Code section 11055, subdivision (b)(1)(I), and is a dangerous drug pursuant to Code  
9 section 4022.

10 9. *Tramadol* is a Schedule IV controlled substance as designated by Health and Safety  
11 Code section 11057, subdivision (c), and is a dangerous drug pursuant to Code section 4022.

12 10. *Gabepentin* is an anti-epileptic drug used to treat neuropathic pain, and is a dangerous  
13 drug pursuant to Code section 4022.

14 11. *Amitriptyline* is used to treat depression, and is a dangerous drug pursuant to Code  
15 section 4022.

16 12. *Paxil* is used to treat depression and anxiety, and is a dangerous drug pursuant to  
17 Code section 4022.

18 13. *Phenergan* is a sedative and sleep aid, and is dangerous drug pursuant to Code  
19 section 4022.

20 14. *Imitrex* is used to treat migraines, and is a dangerous drug pursuant to Code section  
21 4022.

22 15. *Vistaril* is a sedative and sleep aid, and is a dangerous drug pursuant to Code section  
23 4022.

24 **FACTUAL ALLEGATIONS**

25 16. On or about February 13, 2018, officers from the Visalia Police Department were  
26 summoned to a daycare for a welfare check of a woman (Respondent) who was picking up her  
27 children. An employee of the daycare reported that Respondent was confused, barefoot, and had  
28 thrown up on herself. As officers arrived, the employee ran out of the daycare and pointed to a car

1 being driven away by Respondent. The officers were able to catch up to Respondent's vehicle at  
2 the next intersection: Respondent had stopped her car in the middle of the intersection a full car-  
3 length past the stop sign limit line, where she was obstructing traffic, forcing other vehicles to go  
4 around her. The officers had Respondent move through the intersection and pull her car over to  
5 the side of the road, where she hit the curb before coming to a stop. The officer contacted  
6 Respondent, and observed that there were two children in the vehicle, including her 6-year-old  
7 child seated unrestrained in the front passenger seat. As the officer spoke to the Respondent, he  
8 noticed that the Respondent appeared disheveled, had droopy eyes, slow speech, and that she  
9 appeared confused. When asked why the child was seated in the front seat unrestrained,  
10 Respondent stared blankly at the officer for several seconds before answering that she "didn't  
11 even see he was sitting in the front seat."

12 17. Respondent told the officer that she was taking several prescription medications,  
13 including Tramadol (a Schedule IV controlled substance), Gabapentin, Amitriptyline, Paxil,  
14 Phenergen, Imitrex, Unisom, and Vistaril (all dangerous drugs), and opined that she could operate  
15 a vehicle with those medications in her system and that she "felt fine." She also told the officer  
16 that she had previously been in rehab for a prescription pill addiction. Respondent was unable to  
17 complete a series of Field Sobriety Tests administered by the officer. A subsequent blood test of  
18 the Respondent revealed the presence of Hydrocodone.

19  
20 **FIRST CAUSE FOR DISCIPLINE**

21 (Acts of Moral Turpitude)

22 18. Respondent is subject to disciplinary action under Code section 4301(f) in that  
23 Respondent committed an act or acts of moral turpitude as set forth in paragraphs 16 and 17  
24 above and incorporated by reference.

25 **SECOND CAUSE FOR DISCIPLINE**

26 (Use of Dangerous Drugs/Controlled Substances in a Dangerous Manner)

27 19. Respondent is subject to disciplinary action under Code section 4301(h) in that  
28 Respondent administered to herself a controlled substance, or used any dangerous drug or

1 alcoholic beverages to the extent or in a manner as to be dangerous or injurious to herself and to  
2 others, as set forth in paragraphs 16 and 17 above and incorporated by reference.

3 **THIRD CAUSE FOR DISCIPLINE**

4 (Violation of Statutes Regulating Controlled Substances and Dangerous Drugs)

5 20. Respondent is subject to disciplinary action under Code section 4301(j) in that  
6 Respondent violated any of the statutes of this state, or any other state or of the United States  
7 regulating controlled substances and dangerous drugs, as set forth in paragraphs 16 and 17 above  
8 and incorporated by reference.

9 **PRAYER**

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

12 1. Revoking or suspending Pharmacy Technician Registration Number TCH 81925,  
13 issued to Dora Belinda Aceves;

14 2. Ordering Dora Belinda Aceves to pay the Board of Pharmacy the reasonable costs of  
15 the investigation and enforcement of this case, pursuant to Business and Professions Code section  
16 125.3; and,

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

18  
19  
20 DATED: 1/23/2021 \_\_\_\_\_

Signature on File  
\_\_\_\_\_  
ANNE SODERGREN  
Executive Officer  
Board of Pharmacy  
Department of Consumer Affairs  
State of California  
*Complainant*

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26 SA2020303819  
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# Exhibit A

Accusation

1 XAVIER BECERRA  
Attorney General of California  
2 KENT D. HARRIS  
Supervising Deputy Attorney General  
3 KEVIN W. BELL  
Deputy Attorney General  
4 State Bar No. 192063  
1300 I Street, Suite 125  
5 P.O. Box 944255  
Sacramento, CA 94244-2550  
6 Telephone: (916) 210-7511  
Facsimile: (916) 327-8643  
7 E-mail: Kevin.Bell@doj.ca.gov  
*Attorneys for Complainant*  
8

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

18  
19  
20 DATED: 1/23/2021 \_\_\_\_\_

Signature on File

21 ANNE SODERGREN  
22 Executive Officer  
23 Board of Pharmacy  
24 Department of Consumer Affairs  
25 State of California  
26 *Complainant*

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