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

In the Matter of the Accusation Against:  
  
**CARLA CONDE-LOPEZ**  
**17375 Brookhurst St. #57**  
**Fountain Valley, CA 92708**  
  
**Pharmacy Technician Registration No. TCH**  
**153375**  
  
Respondent.

Case No. 6643  
  
OAH No. 2019070065  
  
**DEFAULT DECISION AND ORDER**  
  
[Gov. Code, §11520]

**FINDINGS OF FACT**

1. On or about March 6, 2019, Complainant Anne Sodergren, in her official capacity as the Interim Executive Officer of the Board of Pharmacy, Department of Consumer Affairs, filed Accusation No. 6643 against Carla Conde-Lopez (Respondent) before the Board of Pharmacy. (Accusation attached as Exhibit A.)
2. On or about March 18, 2016, the Board of Pharmacy (Board) issued Pharmacy Technician Registration No. TCH 153375 to Respondent. The Pharmacy Technician Registration was in full force and effect at all times relevant to the charges brought in Accusation No. 6643 and expired on June 30, 2019, and was cancelled on October 6, 2019. This lapse in licensure, however, pursuant to Business and Professions Code section 4300.1, does not deprive the Board of its authority to institute or continue this disciplinary proceeding.
3. On or about March 11, 2019, Respondent was served with Accusation No. 6643.

1           4.     On or about March 27, 2019, Respondent signed and returned a Notice of Defense,  
2 requesting a hearing in this matter.

3           5.     On, July 2, 2019, a Notice of Hearing was served by mail at Respondent's address of  
4 record which was and is: 17375 Brookhurst St. #57, Fountain Valley, CA 92708. The Notice of  
5 Hearing informed her that an administrative hearing in this matter was scheduled for December  
6 10, 2019.

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

9           7.     The matter was called for hearing at the date, time and location set forth in the Notice  
10 of Hearing. The assigned Administrative Law Judge found that the service of the Notice of  
11 Hearing on Respondent was proper. There was no appearance by or on behalf of Respondent. A  
12 default was declared and on motion of counsel for Complainant, the matter was remanded to the  
13 Board under Government Code section 11520.

14           8.     Government Code section 11506(c) states, in pertinent part:

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

20           9.     California Government Code section 11520(a) states, in pertinent part:

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

25           10.    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 Investigatory Evidence Packet in this matter,  
28 as well as 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. 6643,  
finds that the charges and allegations in Accusation No. 6643, are separately and severally, found  
to be true and correct by clear and convincing evidence.

1 11. The Board finds that the actual costs for Investigation and Enforcement are \$5,262.50  
2 as of December 9, 2019.

3 **DETERMINATION OF ISSUES**

4 1. Based on the foregoing findings of fact, Respondent Carla Conde-Lopez has  
5 subjected her Pharmacy Technician Registration No. TCH 153375 to discipline.

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

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

10 a. On December 24, 2018, Respondent, Carla Conde-Lopez, was convicted of violations  
11 of Vehicle Code sections 23152, subdivisions (a) and (b), driving while under the influence, in  
12 violation of Business and Professions Code sections 490 and 4301.

13 **ORDER**

14 IT IS SO ORDERED that Pharmacy Technician Registration No. TCH 153375, issued to  
15 Respondent Carla Conde-Lopez, is revoked.

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

20 This Decision shall become effective on February 12, 2020.

21 It is so ORDERED on January 13, 2020.

22 

23 \_\_\_\_\_  
24 Greg Lippe  
25 Board President  
26 FOR THE BOARD OF PHARMACY  
27 DEPARTMENT OF CONSUMER AFFAIRS

26 72070485.DOCX  
27 DOJ Matter ID:SD2019700382

27 Attachment:  
28 Exhibit A: Accusation

# Exhibit A

Accusation

(CARLA CONDE-LOPEZ)

1 XAVIER BECERRA  
Attorney General of California  
2 ANTOINETTE B. CINCOTTA  
Supervising Deputy Attorney General  
3 MARICHELLE S. TAHIMIC  
Deputy Attorney General  
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600 West Broadway, Suite 1800  
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6 San Diego, CA 92186-5266  
Telephone: (619) 738-9435  
7 Facsimile: (619) 645-2061  
*Attorneys for Complainant*

8  
9 **BEFORE THE**  
10 **BOARD OF PHARMACY**  
11 **DEPARTMENT OF CONSUMER AFFAIRS**  
12 **STATE OF CALIFORNIA**

13 In the Matter of the Accusation Against:

Case No. 6643

14 **CARLA CONDE-LOPEZ**  
15 **17375 Brookhurst St. #57**  
**Fountain Valley, CA 92708**

**ACCUSATION**

16 **Pharmacy Technician Registration**  
17 **No. TCH 153375**

18 Respondent.

19 **PARTIES**

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

23 2. On or about March 18, 2016, the Board issued Pharmacy Technician Registration  
24 Number TCH 153375 to Carla Conde-Lopez (Respondent). The Pharmacy Technician  
25 Registration was in full force and effect at all times relevant to the charges brought herein and  
26 will expire on June 30, 2019, unless renewed.

27 ///

28 ///

1 **JURISDICTION**

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

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

7 5. Section 4300.1 of the Code states:

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

14 **STATUTORY PROVISIONS**

15 6. Section 482 of the Code states:

16 Each board under the provisions of this code shall develop criteria to evaluate  
17 the rehabilitation of a person when:

- 18 (a) Considering the denial of a license by the board under Section 480; or
- 19 (b) Considering suspension or revocation of a license under Section 490.

20 Each board shall take into account all competent evidence of rehabilitation  
21 furnished by the applicant or licensee.

22 7. Section 490 of the Code provides, in pertinent part, that a board may suspend or  
23 revoke a license on the ground that the licensee has been convicted of a crime substantially  
24 related to the qualifications, functions, or duties of the business or profession for which the  
25 license was issued.

26 8. Section 493 of the Code states:

27 Notwithstanding any other provision of law, in a proceeding conducted by a  
28 board within the department pursuant to law to deny an application for a license or to  
suspend or revoke a license or otherwise take disciplinary action against a person who  
holds a license, upon the ground that the applicant or the licensee has been convicted  
of a crime substantially related to the qualifications, functions, and duties of the  
licensee in question, the record of conviction of the crime shall be conclusive evidence  
of the fact that the conviction occurred, but only of that fact, and the board may inquire  
into the circumstances surrounding the commission of the crime in order to fix the

1 degree of discipline or to determine if the conviction is substantially related to the  
2 qualifications, functions, and duties of the licensee in question.

3 As used in this section, "license" includes "certificate," "permit," "authority,"  
4 and "registration."

5 9. Section 4301 of the Code states:

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

9 ...

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

15 ...

16 (l) The conviction of a crime substantially related to the qualifications, functions,  
17 and duties of a licensee under this chapter. The record of conviction of a violation of  
18 Chapter 13 (commencing with Section 801) of Title 21 of the United States Code  
19 regulating controlled substances or of a violation of the statutes of this state regulating  
20 controlled substances or dangerous drugs shall be conclusive evidence of  
21 unprofessional conduct. In all other cases, the record of conviction shall be conclusive  
22 evidence only of the fact that the conviction occurred. The board may inquire into the  
23 circumstances surrounding the commission of the crime, in order to fix the degree of  
24 discipline or, in the case of a conviction not involving controlled substances or  
25 dangerous drugs, to determine if the conviction is of an offense substantially related to  
26 the qualifications, functions, and duties of a licensee under this chapter. A plea or  
27 verdict of guilty or a conviction following a plea of nolo contendere is deemed to be a  
28 conviction within the meaning of this provision. The board may take action when the  
time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal  
or when an order granting probation is made suspending the imposition of sentence,  
irrespective of a subsequent order under Section 1203.4 of the Penal Code allowing the  
person to withdraw his or her plea of guilty and to enter a plea of not guilty, or setting  
aside the verdict of guilty, or dismissing the accusation, information, or indictment...

...

### **REGULATORY PROVISIONS**

10. California Code of Regulations, title 16, section 1769, subdivision (c), states:

(c) When considering the suspension or revocation of a facility or a personal  
license on the ground that the licensee or the registrant has been convicted of a crime,  
the board, in evaluating the rehabilitation of such person and his present eligibility for  
a license will consider the following criteria:

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- 1 (1) Nature and severity of the act(s) or offense(s).
- 2 (2) Total criminal record.
- 3 (3) The time that has elapsed since commission of the act(s) or offense(s).
- 4 (4) Whether the licensee has complied with all terms of parole, probation,  
5 restitution or any other sanctions lawfully imposed against the licensee.
- 6 (5) Evidence, if any, of rehabilitation submitted by the licensee.

7 11. California Code of Regulations, title 16, section 1770, states:

8 For the purpose of denial, suspension, or revocation of a personal or facility  
9 license pursuant to Division 1.5 (commencing with Section 475) of the Business and  
10 Professions Code, a crime or act shall be considered substantially related to the  
11 evidences present or potential unfitness of a licensee or registrant to perform the  
12 functions authorized by his license or registration in a manner consistent with the public  
13 health, safety, or welfare.

#### 12 COSTS

13 12. Section 125.3 of the Code provides, in pertinent part, that the Board may request the  
14 administrative law judge to direct a licentiate found to have committed a violation or violations of  
15 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
16 enforcement of the case, with failure of the licentiate to comply subjecting the license to not being  
17 renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be  
18 included in a stipulated settlement.

#### 19 FIRST CAUSE FOR DISCIPLINE

##### 20 **(December 24, 2018 Criminal Conviction -- DUI on October 20, 2018)**

21 13. Respondent has subjected her registration to disciplinary action under sections 490  
22 and 4301, subdivision (l), of the Code, in that on or about December 24, 2018, in a criminal  
23 proceeding entitled *People of the State of California v. Carla CondeLopez aka Carla Conde-*  
24 *Lopez*, in Orange County Superior Court, case number 18WM16471, Respondent was convicted  
25 by her plea of guilty of violating Vehicle Code section 23152, subdivision (a), driving under the  
26 influence of alcohol (DUI), and Vehicle Code section 23152, subdivision (b), driving a vehicle  
27 while having a blood alcohol concentration (BAC) of 0.08 percent or more, both misdemeanors.  
28 Respondent further admitted, and the court found true, an additional allegation that Respondent

1 had a BAC of 0.20 percent or more, pursuant to Vehicle Code section 23538. Respondent was  
2 sentenced to informal probation for three years, 10 days of service at Caltrans, a nine-month First  
3 Offender Alcohol Program, and attendance at the Mothers Against Drunk Driving Victim Impact  
4 Panel. Respondent was further ordered to pay fines, fees, and restitution, and to comply with all  
5 other terms of DUI probation. The sentence on Count 2 for violating Vehicle Code section 23152,  
6 subdivision (b), was stayed pursuant to Penal Code section 654. The facts that led to the  
7 conviction are that on October 20, 2018, at approximately 2:11 a.m., officers with the  
8 Westminster Police Department responded to a report of a non-injury traffic collision involving a  
9 possible drunk driver, later identified as Respondent. Respondent submitted to a series of field  
10 sobriety tests however, the officer stopped the testing for Respondent's safety. Respondent was  
11 administered two preliminary breath tests which registered results of 0.191 percent BAC and  
12 0.213 percent BAC, respectively. Respondent also provided a blood sample at approximately 3:28  
13 a.m. that was subsequently analyzed with a BAC of 0.24 percent.

14 **SECOND CAUSE FOR DISCIPLINE**

15 **(Dangerous Use of Alcohol)**

16 14. Respondent has subjected her registration to disciplinary action under section 4301,  
17 subdivision (h) of the Code, for unprofessional conduct in that on or about October 20, 2018, she  
18 used alcoholic beverages to an extent or in a manner that was dangerous and injurious to herself,  
19 and the public, when she operated a motor vehicle while impaired by alcohol as described in  
20 paragraph 13, which is incorporated here by this reference.

21 **PRAYER**

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

24 1. Revoking or suspending Pharmacy Technician Registration Number TCH 153375,  
25 issued to Respondent Carla Conde-Lopez;

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2. Ordering Respondent Carla Conde-Lopez 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; and,

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

DATED: March 6, 2019



ANNE SODERGREN  
Interim Executive Officer  
Board of Pharmacy  
Department of Consumer Affairs  
State of California  
*Complainant*

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