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

12 In the Matter of the Accusation Against:

13 **JASMIN KAREN RAMOS**  
14 **5512 La Sierra Ave.**  
**Riverside, CA 92505**

15 **Pharmacy Technician Registration No.**  
16 **TCH 144972**

17 Respondent.

Case No. 6837

**DEFAULT DECISION AND ORDER**

[Gov. Code, §11520]

18  
19 **FINDINGS OF FACT**

20 1. On or about December 3, 2019, Complainant Anne Sodergren, in her official capacity  
21 as the Interim Executive Officer of the Board of Pharmacy (Board), Department of Consumer  
22 Affairs, filed Accusation No. 6837 against Jasmin Karen Ramos (Respondent). (A copy of the  
23 Accusation is attached as Exhibit A.)

24 2. On or about December 10, 2014, the Board issued Pharmacy Technician Registration  
25 No. TCH 144972 to Respondent. The Pharmacy Technician Registration was in full force and  
26 effect at all times relevant to the charges brought in Accusation No. 6837 and will expire on  
27 August 31, 2020, unless renewed.

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1           3.     On or about December 5, 2019, Respondent was served by Certified and First Class  
2 Mail copies of the Accusation No. 6837, Statement to Respondent, Notice of Defense, Request  
3 for Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6, and  
4 11507.7) at her address of record which, pursuant to Business and Professions Code section 4100,  
5 is required to be reported and maintained with the Board. Respondent's address of record was  
6 and is: 5512 La Sierra Ave., Riverside, CA 92505.

7           4.     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           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 parts  
12 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.     The Board takes official notice of its records and the fact that Respondent failed to  
16 file a Notice of Defense within 15 days after service upon her of the Accusation, and therefore  
17 waived her right to a hearing on the merits of Accusation No. 6837.

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

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

23           8.     Pursuant to its authority under Government Code section 11520, the Board finds  
24 Respondent is in default. The Board will take action without further hearing and, based on the  
25 relevant evidence contained in the Default Decision Investigatory Evidence Packet in this matter,  
26 as well as taking official notice of all the investigatory reports, exhibits and statements contained  
27 therein on file at the Board's offices regarding the allegations contained in Accusation No. 6837,  
28 finds that the charges and allegations in Accusation No. 6837, are separately and severally, found  
to be true and correct by clear and convincing evidence.

          9.     The Board finds that the actual costs for Investigation and Enforcement are \$1,681.25  
as of January 7, 2020.

**DETERMINATION OF ISSUES**

1. Based on the foregoing findings of fact, Respondent Jasmin Karen Ramos has subjected her Pharmacy Technician Registration No. TCH 144972 to discipline.

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

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

a. Respondent has subjected her license to disciplinary action under Code sections 490 and 4301, subdivision (l), in that on or about August 20, 2019, in Orange County Superior Court, Case No. 19HM05354, Respondent was convicted on her plea of guilty of DUI (Veh. Code, § 23152(a)/(b)), both misdemeanors.

b. Respondent has subjected her license to disciplinary action under Code section 4301, subdivision (h), for unprofessional conduct, in that on April 13, 2019, Respondent used alcoholic beverages to the extent or in a manner as to be dangerous or injurious to herself, to her passengers, and to the public by operating a motor vehicle while impaired.

c. Respondent has subjected her license to disciplinary action under Code section 4301, subdivision (k), for unprofessional conduct, in that on or about August 20, 2019, in Orange County Superior Court, Case No. 19HM05354, Respondent was convicted of more than one misdemeanor involving the consumption of alcoholic beverages.

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**ORDER**

IT IS SO ORDERED that Pharmacy Technician Registration No. TCH 144972, issued to Respondent Jasmin Karen Ramos, 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 on March 26, 2020.

It is so ORDERED on February 25, 2020.



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Greg Lippe  
Board President  
FOR THE BOARD OF PHARMACY  
DEPARTMENT OF CONSUMER AFFAIRS

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SD2019800706

Attachment:  
Exhibit A: Accusation No. 6837

# Exhibit A

Accusation No. 6837

(JASMIN KAREN RAMOS)

1 XAVIER BECERRA  
Attorney General of California  
2 CARL W. SONNE  
Supervising Deputy Attorney General  
3 DIANE VON DER AHE  
Deputy Attorney General  
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6 San Diego, CA 92186-5266  
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7 Facsimile: (619) 645-2012  
*Attorneys for Complainant*

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. 6837

14 **JASMIN KAREN RAMOS**  
15 **5512 La Sierra Ave.**  
**Riverside, CA 92505**

**ACCUSATION**

16 **Pharmacy Technician Registration No.**  
17 **TCH 144972**

Respondent.

19  
20 **PARTIES**

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

24 2. On or about December 10, 2014, the Board issued Pharmacy Technician Registration  
25 Number TCH 144972 to Jasmin Karen Ramos (Respondent). The Pharmacy Technician  
26 Registration was in full force and effect at all times relevant to the charges brought herein and  
27 will expire on August 31, 2020, unless renewed.

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5. Code section 4300.1 states:

## **STATUTORY PROVISIONS**

(a) Notwithstanding any other provision of law, in a proceeding conducted by a 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 degree of discipline or to determine if the conviction is substantially related to the qualifications, functions, and duties of the licensee in question.

(b) As used in this section, "license" includes "certificate," "permit," "authority," and "registration."

(c) This section shall become inoperative on July 1, 2020, and, as of January 1, 2021, is repealed.

9. Code section 4301 states:

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 conduct shall include, but is not limited to, any of the following:

...

(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 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 the person to conduct with safety to the public the practice authorized by the license.

...

(k) The conviction of more than one misdemeanor or any felony involving the use, consumption, or self-administration of any dangerous drug or alcoholic beverage, or any combination of those substances.

(l) The conviction of a crime substantially related to the qualifications, functions, and duties of a licensee under this chapter. The record of conviction of a violation of Chapter 13 (commencing with Section 801) of Title 21 of the United States Code regulating controlled substances or of a violation of the statutes of this state regulating controlled substances or dangerous drugs shall be conclusive evidence of unprofessional conduct. In all other cases, the record of conviction shall be conclusive evidence only of the fact that the conviction occurred. The board may inquire into the circumstances surrounding the commission of the crime, in order to fix the degree of discipline or, in the case of a conviction not involving controlled substances or dangerous drugs, to determine if the conviction is of an offense substantially related to the qualifications, functions, and duties of a licensee under this chapter. A plea or verdict of guilty or a conviction following a plea of nolo contendere is deemed to be a 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.

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## **REGULATORY PROVISIONS**

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

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:

(1) Nature and severity of the act(s) or offense(s).

(2) Total criminal record.

(3) The time that has elapsed since commission of the act(s) or offense(s).

(4) Whether the licensee has complied with all terms of parole, probation, restitution or any other sanctions lawfully imposed against the licensee.

(5) Evidence, if any, of rehabilitation submitted by the licensee.

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

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

## **COST RECOVERY**

12. Code section 125.3 provides, 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, with failure of the licentiate to comply subjecting the license to not being renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be included in a stipulated settlement.

## **FIRST CAUSE FOR DISCIPLINE**

**(August 20, 2019 Criminal Convictions – DUI on April 13, 2019)**

13. Respondent has subjected her registration to disciplinary action under Code sections 490 and 4301, subdivision (l), in that on or about August 20, 2019, in a criminal proceeding titled *People of the State of California vs. Jasmin Karen Ramos*, in Orange County Superior Court, Case No. 19HM05354, Respondent was convicted on her plea of guilty of violating Vehicle Code

1 section 23152, subdivision (a) (driving under the influence of alcohol [DUI]), and Vehicle Code  
2 section 23152, subdivision (b) (driving a vehicle with a blood alcohol concentration [BAC] of .08  
3 percent or more), both misdemeanors. Respondent admitted the additional allegation of driving  
4 with a BAC of .20 percent or more (Veh. Code, § 23538(b)(2)). Specifically, Respondent  
5 admitted to having a BAC of .26 percent. Respondent was placed on informal probation for three  
6 years, and ordered to complete a nine-month Level 2 First Offender Alcohol Program, attend  
7 Victim Impact Counseling, and pay court fines, fees and penalties.

8 14. The circumstances that led to the convictions are that on April 13, 2019, officers with  
9 the Newport Beach Police Department were on duty when they heard a loud crashing sound and  
10 observed a vehicle drive off a sidewalk and make an illegal turn. An officer followed behind the  
11 vehicle, which was being driven by Respondent, and initiated an enforcement stop. Respondent  
12 struck a curb while attempting to pull over. During the DUI investigation, Respondent appeared  
13 confused and was unsteady on her feet. Respondent had bloodshot/watery eyes, slurred and  
14 incoherent speech, and the strong odor of an alcoholic beverage emanating from her breath and  
15 person. Respondent admitted to consuming two beers prior to driving. Respondent refused to  
16 participate in the field sobriety testing and was arrested for DUI (Veh. Code, § 23152(a)). During  
17 processing, Respondent provided a blood sample which was submitted for analysis and returned a  
18 BAC of .26 percent.

## 19 **SECOND CAUSE FOR DISCIPLINE**

### 20 **(Dangerous Use of Alcohol)**

21 15. Respondent has subjected her registration to disciplinary action under Code section  
22 4301, subdivision (h), for unprofessional conduct, in that on April 13, 2019, as described in  
23 paragraph 14, above, incorporated herein by reference, Respondent used alcoholic beverages to  
24 the extent or in a manner as to be dangerous or injurious to herself, to her passengers, and to the  
25 public by operating a motor vehicle while impaired.

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**THIRD CAUSE FOR DISCIPLINE**  
**(Multiple Alcohol-Related Convictions)**


16. Respondent has subjected her registration to disciplinary action under Code section 4301, subdivision (k), for unprofessional conduct, in that on August 20, 2019, as described in paragraph 13, above, incorporated herein by reference, Respondent was convicted of more than one misdemeanor involving the consumption of alcoholic beverages. Specifically, Respondent was convicted on her plea of guilty of DUI (Veh. Code, § 23152(a)), and driving a vehicle with a BAC of .08 percent or more (Veh. Code, § 23152(b)), both are misdemeanor charges.

**PRAYER**

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

1. Revoking or suspending Pharmacy Technician Registration Number TCH 144972, issued to Respondent Jasmin Karen Ramos;
2. Ordering Respondent Jasmin Karen Ramos 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: December 3, 2019

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