

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

In the Matter of the Accusation Against:

ALONDRA SELENA MARQUEZ, Respondent

Pharmacy Technician Registration No. TCH 155347

Agency Case No. 6858

DECISION AND ORDER

The attached Stipulated Surrender of License Order is hereby adopted by the Board of Pharmacy, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective at 5:00 p.m. on June 18, 2020.

It is so ORDERED on May 19, 2020.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

A handwritten signature in black ink, appearing to read "Greg Lippe", is written over the printed name and title.

By

Greg Lippe
Board President

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Attorney General of California
2 GREGORY J. SALUTE
Supervising Deputy Attorney General
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Attorneys for Complainant

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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. 6858

14 **ALONDRA SELENA MARQUEZ**
15 **628 Raven Street**
16 **San Diego, CA 92102**

17 **Pharmacy Technician Registration No. TCH**
18 **155347**

Respondent.

**STIPULATED SURRENDER OF
LICENSE AND ORDER**

19
20 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-
21 entitled proceedings that the following matters are true:

22 **PARTIES**

23 1. Anne Sodergren (Complainant) is the Executive Officer of the Board of Pharmacy
24 (Board). She brought this action solely in her official capacity and is represented in this matter by
25 Xavier Becerra, Attorney General of the State of California, by Stephen A. Aronis, Deputy
26 Attorney General.

27 2. Alondra Selena Marquez (Respondent) is representing herself in this proceeding and
28 has chosen not to exercise her right to be represented by counsel at the own expense.

3. On or about July 19, 2016, the Board issued Pharmacy Technician Registration No. TCH 155347 to Alondra Selena Marquez (Respondent). The Pharmacy Technician Registration was in full force and effect at all times relevant to the charges brought in Accusation No. 6858 and will expire on June 30, 2020, unless renewed.

JURISDICTION

4. Accusation No. 6858 was filed before the Board, and is currently pending against Respondent. The Accusation and all other statutorily required documents were personally served on Respondent at the Central California Women's Facility in Chowchilla, California, on March 19, 2020. Respondent timely filed her Notice of Defense contesting the Accusation. A copy of Accusation No. 6858 is attached as Exhibit A and incorporated by reference.

ADVISEMENT AND WAIVERS

5. Respondent has carefully read, and understands the charges and allegations in Accusation No. 6858. 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.

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

CULPABILITY

8. Respondent admits the truth of each and every charge and allegation in Accusation No. 6858, agrees that cause exists for discipline and hereby surrenders her Pharmacy Technician Registration No. TCH 155347 for the Board's formal acceptance.

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.

CONTINGENCY

10. This stipulation shall be subject to approval by the Board. Respondent understands and agrees that counsel for Complainant and the staff of the Board may 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 she may not withdraw her agreement or seek to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order, the Stipulated Surrender and Disciplinary Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not be disqualified from further action by having considered this matter.

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

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

13. 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 155347, issued to Respondent Alondra Selena Marquez, is surrendered and accepted by the Board.

1. 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.

2. 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. Respondent must comply with all the laws, regulations and procedures for reinstatement of a revoked or surrendered license in effect at the time the petition is filed, and all of the charges and allegations contained in Accusation No. 6858 shall be deemed to be true, correct and admitted by Respondent when the Board determines whether to grant or deny the petition.

5. Respondent shall pay the agency its costs of investigation and enforcement in the amount of \$3,937.50 prior to issuance of a new or reinstated license.

6. 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. 6858 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.

7. Respondent may not apply for any license, permit, or registration from the Board for three years from the effective date of this decision.

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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.

DATED: _____
ALONDRA SELENA MARQUEZ
Respondent

ENDORSEMENT

The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted for consideration by the Board of Pharmacy of the Department of Consumer Affairs.

DATED: _____
Respectfully submitted,
XAVIER BECERRA
Attorney General of California
GREGORY J. SALUTE
Supervising Deputy Attorney General

STEPHEN A. ARONIS
Deputy Attorney General
Attorneys for Complainant

SD2019702888

1 ACCEPTANCE

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

6
7 DATED: 4/21/20


ALONDRA SELENA MARQUEZ
Respondent


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9
10 ENDORSEMENT

11 The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted
12 for consideration by the Board of Pharmacy of the Department of Consumer Affairs.

13
14 DATED: 4/22/20

Respectfully submitted,

15 XAVIER BECERRA
16 Attorney General of California
17 GREGORY J. SALUTE
18 Supervising Deputy Attorney General


STEPHEN A. AROMIS
19 Deputy Attorney General
20 Attorneys for Complainant

21 SD2019702888
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Exhibit A

Accusation No. 6858

1 XAVIER BECERRA
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Supervising Deputy Attorney General
3 STEPHEN A. ARONIS
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9 **BEFORE THE**
10 **BOARD OF PHARMACY**
11 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

12 In the Matter of the Accusation Against:

Case No. 6858

13 **ALONDRA SELENA MARQUEZ**
14 **628 Raven Street**
San Diego, CA 92102

ACCUSATION

15 **Pharmacy Technician Registration No.**
16 **TCH 155347**

17 Respondent.

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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 July 19, 2016, the Board issued Pharmacy Technician Registration
24 Number TCH 155347 to Alondra Selena Marquez (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, 2020, unless renewed.

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28 ///

JURISDICTION

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

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

5. Section 4300.1 of the Code states:

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

STATUTORY PROVISIONS

6. Section 482 of the Code states:

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

(1) Considering the denial of a license by the board under Section 480; or

(2) Considering suspension or revocation of a license under Section 490.

(b) Each board shall take into account all competent evidence of rehabilitation furnished by the applicant or licensee.

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

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

8. Section 493 of the Code states:

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.

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. Section 4301 of the Code 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:

...

(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.

...

(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,

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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:

(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:

(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. Section 125.3 of the Code 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.

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FACTUAL ALLEGATIONS

13. On or about August 7, 2019, in a criminal proceeding entitled *People of the State of California v. Alondra S. Marquez*, in San Diego County Superior Court, case number SCD281155, Respondent was convicted on her pleas of guilty of gross vehicular manslaughter while intoxicated (Pen. Code section 191.5, subd. (a)), driving under the influence (DUI) of alcohol causing death or injury (Veh. Code section 23153, subd. (a)), and DUI while having a blood alcohol concentration (BAC) of 0.08 percent or more and causing bodily injury or death (Veh. Code section 23153, subd. (b)), all of which were felony convictions. Respondent admitted to ten special allegations in connection with the felony charges, including causing great bodily injury or death to more than one victim while driving under the influence of alcohol (Veh. Code section 23558), inflicting great bodily injury upon another person and/or causing brain injury while driving under the influence of alcohol (Pen. Code section 12022.7, subds. (a) and (b)), and having a BAC of 0.15 percent or more during the commission of DUI (Veh. Code section 23578). As a result of the convictions, Respondent was denied probation and sentenced to serve 13 years and 4 months in state prison. Respondent was also ordered to pay restitution to the victims.

14. The circumstances that led to the convictions are that on March 23, 2019, officers with the California Highway Patrol (CHP) responded to a traffic collision involving two vehicles. Upon their arrival, the CHP officers were notified by emergency personnel of a fatally injured victim and an unconscious victim who was determined to have been ejected from one of the vehicles at the time of the collision. The driver and sole occupant of the second vehicle, later identified as Respondent, was found unconscious in the driver's seat of her vehicle and had to be extricated by emergency personnel. Respondent was transported to a local hospital for treatment. CHP officers detected the odor of alcohol emitting from Respondent's breath and person, and a sample of Respondent's blood was obtained incident to a search warrant. A subsequent analysis of Respondent's blood sample indicated a BAC of 0.25 percent. Based on their investigation, CHP officers determined that Respondent caused the collision by driving at an excessive speed while under the influence of alcohol. Respondent was subsequently arrested and charged with felony DUI causing injury or death (Veh. Code section 23153, subd. (a)), felony DUI causing

1 injury or death with a BAC of 0.08 percent or more (Veh. Code section 23153, subd. (b)), causing
2 bodily injury or death to more than one person (Veh. Code section 23558), excessive speed while
3 driving under the influence of alcohol (Veh. Code section 23582, subd. (a)), gross vehicular
4 manslaughter while intoxicated (Pen. Code section 191.5, subd. (a)), and inflicting great bodily
5 injury during the commission of a felony (Pen. Code section 12022.7, subd. (a)).

6 **FIRST CAUSE FOR DISCIPLINE**

7 **(Moral Turpitude)**

8 15. Respondent has subjected her registration to disciplinary action under Code section
9 4301, subdivision (f), for unprofessional conduct, in that on March 23, 2019, as described above
10 in paragraph 14, and incorporated here by this reference, Respondent collided with a vehicle
11 while driving under the influence of alcohol at an excessive speed, causing serious bodily injury
12 and/or death to other persons.

13 **SECOND CAUSE FOR DISCIPLINE**

14 **(Dangerous Use of Alcohol)**

15 16. Respondent has subjected her registration to disciplinary action under Code section
16 4301, subdivision (h), for unprofessional conduct, in that on March 23, 2019, as described above
17 in paragraph 14, and incorporated here by this reference, Respondent used alcoholic beverages to
18 an extent or in a manner that was dangerous and injurious to herself, and the public, when she
19 operated a motor vehicle while impaired by alcohol.

20 **THIRD CAUSE FOR DISCIPLINE**

21 **(Multiple Alcohol Related Criminal Convictions)**

22 17. Respondent has subjected her registration to disciplinary action under Code section
23 4301, subdivision (k), for unprofessional conduct, in that on August 7, 2019, Respondent was
24 convicted of more than one felony involving the use, consumption, or self-administration of
25 alcoholic beverages, as described above in paragraph 13, and incorporated here by this reference.

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1 **FOURTH CAUSE FOR DISCIPLINE**

2 **(Substantially Related Criminal Conviction)**

3 18. Respondent has subjected her registration to disciplinary action under Code sections
4 490 and 4301, subdivision (I), for unprofessional conduct, in that on August 7, 2019, Respondent
5 was convicted of crimes that are substantially related to the qualifications, functions, and duties of
6 a licensed pharmacy technician, as described above in paragraph 13, and incorporated here by this
7 reference.

8 **PRAYER**


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

11 1. Revoking or suspending Pharmacy Technician Registration Number TCH 155347,
12 issued to Respondent Alondra Selena Marquez;

13 2. Ordering Respondent Alondra Selena Marquez to pay the Board of Pharmacy the
14 reasonable costs of the investigation and enforcement of this case, pursuant to Business and
15 Professions Code section 125.3; and,

16 3. Taking such other and further action as deemed necessary and proper.
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20 DATED: January 7, 2020 _____

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

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