

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

In the Matter of the Accusation Against:

VALERIE TORREZ, Respondent

Pharmacy Technician Registration No. TCH 95583

Agency Case No. 7150

OAH No. 2021100171

DECISION AND ORDER

The attached Proposed Decision of the Administrative Law Judge 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 30, 2022.

It is so ORDERED on May 31, 2022.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

By



Seung W. Oh, Pharm.D.
Board President

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PROPOSED DECISION

Matthew S. Block, Administrative Law Judge (ALJ), Office of Administrative Hearings (OAH), State of California, heard this matter on February 7, 2022, by videoconference from Sacramento, California.

Katelyn E. Docherty, Deputy Attorney General, represented Anne Sodergren (complainant), Executive Officer of the Board of Pharmacy (Board), Department of Consumer Affairs, State of California.

Valerie Torrez (respondent) appeared and was represented by Nicole L. Weil, Attorney at Law.

Oral and documentary evidence was received, the record was closed, and the matter was submitted for decision on February 7, 2022.

FACTUAL FINDINGS

Jurisdictional Matters

1. On November 4, 2009, the Board issued Pharmacy Technician Registration Number 95583 to respondent. The registration will expire on September 30, 2023, unless renewed or revoked.
2. On July 29, 2021, complainant, in her official capacity, signed and thereafter filed the Accusation seeking to suspend or revoke respondent's registration. Complainant alleges that respondent has engaged in unprofessional conduct by: (1) using alcohol in a dangerous manner; (2) being convicted of multiple offenses involving the consumption of alcohol; and (3) being convicted of a crime that is substantially related to the qualifications, functions, and duties of a pharmacy technician. Additionally, complainant seeks an award of the Board's reasonable costs of investigation and enforcement of the case pursuant to section 125.3.
3. Respondent timely filed a Notice of Defense. The matter was set for an evidentiary hearing pursuant to Government Code section 11500 et seq.

Complainant's Evidence

RESPONDENT'S CONVICTIONS

4. On August 5, 2020, in the Superior Court of California, County of Tulare, Case No. PCM397209, respondent was convicted upon a plea of guilty of driving with a blood alcohol concentration [BAC] of 0.08 percent or higher in violation of Vehicle Code section 23152, subdivision (b), and hit and run driving in violation of Vehicle Code 20002, subdivision (a). Respondent also admitted that she had two prior

convictions for driving under the influence (DUI), and that her BAC at the time of driving was 0.15 percent or higher. Imposition of sentence was suspended, and respondent was placed on summary probation for five years and ordered to serve 220 days in jail. She was also ordered to attend and complete the SB38 18-month DUI program, and to install an ignition interlock device on her vehicle.

5. The circumstances underlying the convictions are that on April 27, 2020, at approximately 12:40 a.m., law enforcement officers responded to the scene of a single-vehicle accident in Porterville, California. When they arrived, the driver of the vehicle, later identified as respondent, drove away from the scene, and one of the officers followed her and conducted an enforcement stop. The officer noticed a strong odor of alcohol inside the vehicle. Respondent was sweating and had bloodshot and watery eyes. After performing poorly on field sobriety tests, she was arrested for DUI and leaving the scene of an accident. Respondent told the officer she consumed three cans of "White Claw," which she said had a five percent alcohol content. It was determined that respondent's BAC was 0.25 and 0.24 percent.

6. On June 18, 2019, in the Superior Court of California, County of Tulare, Case No. PCM380528, respondent was convicted upon a plea of guilty of driving with a BAC of 0.08 percent or higher in violation of Vehicle Code section 23152, subdivision (b). Imposition of sentence was suspended, and respondent was placed on summary probation for five years and ordered to serve 30 days in jail.

7. The circumstances underlying the conviction are that on April 20, 2019, officers with the California Highway Patrol (CHP) located respondent asleep in her vehicle on the side of State Route 65 in Tulare County. Respondent was in the driver's seat and the vehicle engine was on. When the officers woke her up, respondent began to drive away. The officers pursued respondent and conducted an enforcement stop.

Respondent's eyes were red and watery, and her speech was slurred. She told the officer she consumed one 12-ounce beer before driving. It was determined that her BAC was 0.173 and 0.173 percent.

8. On June 18, 2019, in the Superior Court of California, County of Tulare, Case No. PCM380599, respondent was convicted upon a plea of guilty of driving with a BAC of 0.08 percent or higher in violation of Vehicle Code section 23152, subdivision (b). Imposition of sentence was suspended, and respondent was placed on summary probation for five years and ordered to serve 30 days in jail, to be served consecutive to the 30 days imposed in Case No. PCM380528.

9. The circumstances underlying the conviction are that on September 30, 2018, at approximately 2:31 a.m., respondent was stopped by an officer of the Tulare Police Department after the officer saw respondent driving her vehicle without the headlights on. The officer noted a strong odor of alcohol coming from respondent's person. Her eyes were red and watery, and her speech was slurred. She performed poorly on field sobriety tests and was arrested for DUI and driving with a BAC of 0.08 percent or higher. It was determined that her BAC was 0.16 percent.

TESTIMONY OF DR. KAVITA NANKANI

10. Kavita Nankani, a Board inspector, testified at hearing. Ms. Nankani obtained her Doctor of Pharmacy degree from the University of the Pacific in Stockton, California, and she has been a licensed pharmacist in California since 1998. Dr. Nankani expressed concern about respondent's convictions involving excessive consumption of alcohol. She testified that pharmacists must rely on the judgment of pharmacy technicians, and that potentially fatal mistakes can be made if a pharmacy technician is impaired.

Respondent's Evidence

RESPONDENT'S TESTIMONY

11. Respondent testified at hearing. She is divorced, and lives in Porterville, California with her three children. She has been a licensed pharmacy technician since 2009 and has worked for Kaweah Health since 2010 as a pharmacy technician biller. Her duties include sending billing statements to patients and helping collect reimbursement rates from insurance companies. She does not have direct physical contact with patients. She does not work in an actual pharmacy, and does not handle controlled substances. She denied ever being under the influence at work and said that alcohol has not affected her work life at all. However, she acknowledged that alcohol has caused issues in her personal life.

12. Respondent called her third DUI arrest a "wake-up call," and said that it is the worst mistake that she has ever caused herself. She believes that she fell asleep while driving because she does not remember how the collision occurred. She was driving her sister's car at the time, and it was totaled in the collision. Since that arrest, respondent testified that she has changed the crowd that she socializes with. She has been attending the 18-month DUI program and submitted a progress report detailing her participation. She also submitted a certificate from the North American Learning Institute demonstrating completion of a four-hour Drug and Alcohol Awareness Class.

13. Respondent said that she no longer puts herself in situations involving alcohol. However, she also testified that she does not believe she has a problem with alcohol, and she still drinks approximately once per month. She does not have a sponsor and does not attend Alcoholics Anonymous (AA) meetings because the court did not require it as a condition of probation.

TESTIMONY OF PATRICIA RIPPETOE

14. Patricia Rippetoe testified at hearing. She is an accountant clerk at Kaweah Health and has worked with respondent for the last seven years. She is aware of respondent's DUI convictions but has never seen respondent under the influence at work. She testified that respondent is excellent with meeting deadlines, does not make a lot of mistakes, and is "a really good person."

TESTIMONY OF SANDRA GONZALEZ

15. Sandra Gonzalez testified at hearing. She is respondent's biological sister. She described respondent as a very loving mother and sister and said that respondent has always been the sole caregiver in her children's lives. Respondent was driving Ms. Gonzalez's car at the time of her last arrest, and she helped her get a new car after it was totaled in the collision. Ms. Gonzalez testified that respondent has experienced depression and anxiety since her last arrest, and that they have started going to church together.

PERFORMANCE EVALUATIONS

16. Respondent submitted her work performance evaluations from Kaweah Health for the years 2015-2020. On every evaluation, she was rated as meeting or exceeding expectations in all applicable criteria.

CHARACTER LETTERS

17. Respondent submitted four character-reference letters¹. The first letter, dated November 12, 2021, is from Ariel K. Mendez, who works with respondent. She stated in the letter that respondent is well-regarded by staff and "careful, considerate, efficient and dedicated to the well-being of others." She acknowledged knowing about respondent's DUI conviction but denied that respondent has a drinking problem and said that the situation was "most probably one-of-a-kind."

18. The second letter is an undated email from Patricia Rippetoe to respondent. In the email, Ms. Rippetoe reiterated that respondent is a dedicated employee and a "talented pharmacy technician and person in whole."

19. The third letter, dated February 2, 2022, is from Crystal Vasquez, who works with respondent in the billing department at Kaweah Health. She described respondent as reliable and hardworking, and said that respondent is "always willing to go above and beyond in her job and to help where needed."

20. The fourth letter, which is not dated, is from Aime Paulino, who also works with respondent at Kaweah Health. She described respondent as a reliable and positive co-worker, and said that she was recently "recognized by the district on doing an awesome job."

¹ The letters were received into evidence and considered to the extent permitted by Government Code section 11513, subdivision (d).

Analysis

21. California Code of Regulations, title 16, section 1769, subdivision (c), sets forth criteria for evaluating the rehabilitation of a registrant who has been convicted of a crime. These criteria include: (1) nature and gravity of the act(s) or offense(s); (2) total criminal record; (3) the time that has elapsed since commission of the act(a) or offense(s); (4) whether the registrant has complied with all terms of parole, probation, restitution or any other sanctions lawfully imposed against the registrant; and (5) evidence, if any, of rehabilitation submitted by the registrant.

22. Respondent's DUI convictions are serious. On multiple occasions she has chosen to drive a car with a BAC two and three times the legal limit. On one occasion she caused a collision that totaled the car she was driving. The DUI offenses all occurred within a short period of time and are suggestive of a very problematic relationship with alcohol, despite respondent's belief that she does not have a drinking problem.

23. The convictions are all recent. Respondent will be on probation for her most recent DUI conviction until August 2025. When a person is on criminal probation, rehabilitation efforts are accorded less weight, "[s]ince persons under the direct supervision of correctional authorities are required to behave in exemplary fashion . . ." (*In re Gossage* (2000) 23 Cal.4th 1080, 1099.) Despite this, respondent's most recent arrest occurred shortly after being placed on probation for her first two DUI convictions. Her performance on probation has thus been far from exemplary.

24. Respondent presented no evidence of meaningful rehabilitation. Despite being convicted of three DUI offenses within a 14-month period, she denied having a problem with alcohol, and admitted that she still occasionally consumes it. Respondent

does not attend AA meetings or any other form of self-help therapy or treatment. This demonstrates a significant lack of insight into the underlying causes of her criminality.

25. In sum, the evidence overwhelmingly shows that respondent is not sufficiently rehabilitated. Revocation of respondent's registration is necessary to protect the public interest.

Costs

26. Pursuant to section 125.3, subdivision (a), the Board has requested that respondent be ordered to pay the costs of the investigation and enforcement of the case. Complainant purportedly incurred \$8,128.75 in enforcement costs. These costs are supported by a Certification of Prosecution Costs: Declaration of Katelyn E. Docherty, and are accompanied by documents describing the general tasks performed, the time spent on each task, and the method of calculating the costs. The costs described in those documents are excessive, given the allegations in the Accusation and the number of witnesses and evidence produced at hearing. Accordingly, the enforcement costs are reduced to \$6,000.

27. In *Zuckerman v. State Board of Chiropractic Examiners* (2002) 29 Cal.4th 32, the California Supreme Court set forth guidelines for determining whether the costs should be assessed in the particular circumstances of each case. The factors include whether the licensee has been successful at hearing in getting charges dismissed or reduced, the licensee's subjective good faith belief in the merits of her position, whether the licensee has raised a colorable challenge to the proposed discipline, the licensee's financial ability to pay, and whether the scope of the investigation was appropriate to the alleged misconduct.

28. Respondent testified that after expenses, her income leaves her with approximately \$200 per month if she is lucky, and that she is still paying court fees resulting from her DUI convictions. However, respondent was not successful at hearing in getting charges dismissed or reduced. Her belief in the merits of her position appears rooted either in the delusion that she does not have an alcohol problem, or in the belief that three DUI convictions in a short period of time do not warrant discipline. Either belief is misplaced, and respondent did not raise a colorable challenge to the proposed discipline. Consequently, respondent shall pay the Board's enforcement costs in the amount of \$6,000 should she seek reinstatement of her registration in the future.

LEGAL CONCLUSIONS

1. "Protection of the public shall be the highest priority for the California State Board of Pharmacy in exercising its licensing, regulatory, and disciplinary functions. Whenever the protection of the public is inconsistent with other interests sought to be promoted, the protection of the public shall be paramount." (§ 4001.1.)

2. Complainant bears the burden of proving each of the grounds for discipline alleged in the Accusation by clear and convincing evidence. (*Ettinger v. Board of Medical Quality Assurance* (1982) 135 Cal.App.3d 853.) Clear and convincing evidence requires a finding of high probability, or proof that is so clear as to leave no substantial doubt, sufficiently strong to command the unhesitating assent of every reasonable mind. (*Katie V. v. Superior Court* (2005) 130 CalApp.4th 586, 594.)

3. Section 4301 authorizes the Board to “take action against any holder of a license who is guilty of unprofessional conduct. Unprofessional conduct includes, 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.

4. California Code of Regulations, title 16, section 1770, subdivision (a), provides that “a crime . . . shall be considered substantially related to the qualifications, functions or duties of the practice, profession, or occupation that may be performed under the license type sought or held if to a substantial degree it evidences present or potential unfitness of an applicant or licensee to perform the functions authorized by the license in a manner consistent with the public health, safety, or welfare.”

5. Based upon the Factual Findings and Legal Conclusions as a whole, cause exists to discipline respondent's registration pursuant to section 4301, subdivision (h). On multiple occasions, respondent has consumed alcohol in excessive amounts and then driven a car, placing her own safety and the safety of the public in substantial danger.

6. Based upon the Factual Findings and Legal Conclusions as a whole, cause exists to discipline respondent's registration pursuant to section 4301, subdivision (k), in that respondent was convicted of three DUI offenses over a period of 14 months.

7. Based upon the Factual Findings and Legal Conclusions as a whole, cause exists to discipline respondent's registration pursuant to section 4301, subdivision (l). Respondent's excessive consumption of alcohol and decisions to drive while intoxicated demonstrates both a present and potential unfitness to perform the functions of a pharmacy technician in a manner consistent with the public health, safety, or welfare.

Costs

8. Pursuant to section 125.3, the Board may recover reasonable costs of the investigation and enforcement of a case. As discussed in Factual Findings 26 through 28, respondent shall pay enforcement costs in the amount of \$6,000 in the event her registration is reinstated in the future.

ORDER

1. Pharmacy Technician Registration Number 95583, issued to respondent Valerie Torrez, is REVOKED.

2. Respondent shall relinquish her registration, including any indicia of registration issued by the Board, to the Board within 10 days of the effective date of this decision.

3. As a condition precedent to reinstatement of her revoked registration, respondent shall reimburse the Board for its costs of investigation and prosecution in the amount of \$6,000. That amount shall be paid in full prior to the reinstatement of her registration unless otherwise ordered by the Board.

DATE: March 3, 2022

Matthew Block

MATTHEW S. BLOCK

Administrative Law Judge

Office of Administrative Hearings

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

12 In the Matter of the Accusation Against:

Case Number 7150

13 **VALERIE TORREZ**
251 S. W Street
14 Porterville, CA 93257

ACCUSATION

15 **Pharmacy Technician Registration Number**
95583

16 Respondent.
17

18 **PARTIES**

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

21 2. On or about November 4, 2009, the Board of Pharmacy issued Pharmacy Technician
22 Registration Number 95583 to Valerie Torrez (Respondent). The Pharmacy Technician
23 Registration was in full force and effect at all times relevant to the charges brought herein and
24 will expire on September 30, 2021, unless renewed.

25 **JURISDICTION**

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

1 to any other person or to the public, or to the extent that the use impairs the ability of
2 the person to conduct with safety to the public the practice authorized by the license.

3 ...

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

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

26 **COST RECOVERY**

27 8. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
28 administrative law judge to direct a licensee 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 licensee 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.

29 **FIRST CAUSE FOR DISCIPLINE**

30 **(Conviction of Substantially Related Crimes)**

31 9. Respondent is subject to disciplinary action under Code section 4301, subdivision (l),
32 in that she was convicted of crimes that are substantially related to the functions, qualifications
33 and duties of a pharmacy technician. The circumstances are as follows.

34 10. On or about August 5, 2020, in the criminal matter titled *People v. Valerie Torrez*,
35 Tulare County Superior Court Case Number PCM397209, Respondent was convicted on her plea

1 of guilty to having committed the following crimes, each of which were misdemeanors: (i)
2 driving while having a blood alcohol content of 0.08% or higher, in violation of Vehicle Code
3 section 23152, subdivision (b), with an admission to the special allegations under Vehicle Code
4 sections 23540 / 23546 (prior DUI convictions) and 23578 (BAC of 0.15% or higher); (ii) hit and
5 run driving, in violation of Vehicle Code section 20002, subdivision (a); and (iii) unlawful
6 operation of a vehicle (driving without an ignition interlock device, as ordered) in violation of
7 Vehicle Code section 23247, subdivision (e). The court sentenced Respondent to serve 220 days
8 in county jail, with credit for one day served, and placed Respondent on probation for a period of
9 five years. Further, the court ordered Respondent to complete an SB38 program, to not drive
10 without an ignition interlock device, and to pay various fines and fees. The underlying
11 circumstances were as follows.

12 11. On or about April 27, 2020, officers with the Porterville Police Department responded
13 to the scene of a single car accident in the vicinity of Plano Street and Morton Avenue in
14 Porterville, California. Upon arrival, the driver involved in the accident, whom officers later
15 confirmed as being Respondent, attempted to flee the scene, causing an officer to pursue her and
16 initiate a traffic stop. Upon making contact with Respondent, the officer noted that Respondent
17 had bloodshot, watery eyes, was sweating profusely, and emitting a strong odor of alcoholic
18 beverage. Respondent was unable to complete subsequent field sobriety testing and was arrested
19 for driving under the influence. At the time of her arrest, Respondent was still on probation for
20 prior DUI convictions (alleged herein below), including a requirement whereby she was to not
21 drive without a functioning ignition interlock device. Respondent later admitted to arresting
22 officers that she had been drinking “White Claw,” and was driving her sister’s vehicle, which did
23 not have any interlock device. Respondent’s blood alcohol content was determined to be 0.24%.
24 Investigating officers determined that Respondent had been driving too fast for conditions
25 causing her to lose control of her vehicle and to crash into two traffic signs located within a
26 sidewalk area.

27 //

28 //

1 **SECOND CAUSE FOR DISCIPLINE**

2 **(Dangerous Use of Alcohol)**

3 12. Respondent is subject to disciplinary action under Code section 4301, subdivision (h),
4 in that she administered to herself or otherwise used alcohol to an extent or in a manner as to be
5 dangerous or injurious to herself and others, as alleged in greater detail above in paragraphs 10-
6 11.

7 **THIRD CAUSE FOR DISCIPLINE**

8 **(Conviction of Multiple Misdemeanors Involving Use, Consumption or Self-Administration**
9 **of Alcohol)**

10 13. Respondent is subject to disciplinary action under Code section 4301, subdivision (k),
11 in that she was convicted of more than one misdemeanor involving the use, consumption or self-
12 administration of alcohol. In addition to the three misdemeanor convictions alleged above in
13 paragraph 10, which is incorporated herein by reference, Respondent experienced prior
14 misdemeanor convictions for driving under the influence as follows:

15 **June 18, 2019 DUI Conviction and Underlying September 30, 2019 Arrest**

16 14. On or about June 18, 2019, in the criminal matter titled *People v. Valerie Torrez*,
17 Tulare County Superior Court Case Number PCM380528, Respondent was convicted on her plea
18 of guilty to driving while having a blood alcohol content of 0.08% or higher, in violation of
19 Vehicle Code section 23152, subdivision (b). The court sentenced Respondent to serve 30 days
20 in county jail, with credit for two days' time served, and placed Respondent on probation for five
21 years. Further, the court ordered Respondent to not drive without a functioning ignition interlock
22 device, and to pay various fines and fees. The underlying circumstances were as follows.

23 15. On or about September 30, 2019, an officer with the Tulare Police Department was
24 driving northbound on Blackstone Avenue in Tulare, California, when he noted a vehicle driving
25 in the opposite direction without headlights. The officer therefore did a U-turn and conducted a
26 traffic stop. Upon making contact with the driver, who was confirmed to be Respondent, the
27 officer noted the strong odor of alcoholic beverage coming from Respondent's person. The
28 officer also noted that Respondent had slurred speech, and eyes that were red, watery and glossy.

1 Upon questioning, Respondent admitted to having drank Modelo beer earlier. Based on these
2 circumstances, the officer conducted field sobriety testing, which Respondent failed. Respondent
3 was therefore arrested for driving under the influence. Respondent's blood alcohol content was
4 later determined to be 0.16%.

5 **June 18, 2019 DUI Conviction and Underlying April 20, 2019 Arrest**

6 16. On or about June 18, 2019, in the criminal matter titled *People v. Valerie Torrez*,
7 Tulare County Superior Court Case Number PCM380599, Respondent was convicted on her plea
8 of guilty to driving while having a blood alcohol content of 0.08% or higher, in violation of
9 Vehicle Code section 23152, subdivision (b), with an admission to the special allegation under
10 Vehicle Code section 23578 (BAC of 0.15% or higher). The court sentenced Respondent to serve
11 30 days in county jail, to be served consecutively with the sentence imposed that same day in
12 connection with Case Number PCM380528, alleged in paragraph 14 above. Respondent was also
13 placed on probation for five years, and ordered to complete an SB38 program, to not drive
14 without a functioning ignition interlock device, and to pay various fines and fees. The underlying
15 circumstances were as follows.

16 17. On or about April 20, 2019, officers with the California Highway Patrol were
17 travelling southbound on State Route 65 when they noted a vehicle on the shoulder of the road,
18 causing the officers to do a welfare check. When they arrived at the vehicle, they found the
19 driver (determined to be Respondent) asleep in the driver's seat with the engine idling. An officer
20 woke Respondent and requested that she turn off her vehicle and roll her window down. At that,
21 the officer noted that Respondent had lethargic motor skills. Instead of complying with the
22 officer's request, Respondent attempted to drive away down the west shoulder of State Route 65.
23 In so doing, Respondent nearly collided with a mile marker. Eventually, Respondent pulled over.
24 Upon making contact with Respondent, arresting officers noted the strong odor of alcoholic
25 beverage. It was also noted that Respondent's eyes were red and watery, and that her speech was
26 slurred, causing the officers to conduct field sobriety testing, which Respondent failed.
27 Meanwhile, Preliminary Alcohol Screening Device testing determined Respondent's blood
28 alcohol content to be .173% / .173%. Based on these circumstances, the officers arrested

1 Respondent for driving under the influence.

2 **DISCIPLINE CONSIDERATIONS**

3 18. To determine the degree of discipline, if any, to be imposed on Respondent,
4 Complainant alleges that on or about July 30, 2019, the Board of Pharmacy issued Citation and
5 Fine number CI-2018-81911 to Respondent for Respondent having committed the following
6 offenses: (i) conviction of more than one felony or misdemeanor involving the use, consumption,
7 or self-administration of any dangerous drug or alcoholic beverage, pursuant to Code section
8 4301, subdivision (k); (ii) the administering to oneself of any controlled substance, or the use of
9 any dangerous drug or of alcoholic beverages to the extent or in a manner as to be dangerous or
10 injurious to oneself, pursuant to Code section 4301, subdivision (h); and (iii) conviction of a
11 substantially related crime, pursuant to Code section 4301, subdivision (l). The circumstances
12 providing the basis for this citation are the same as those described in paragraphs 14-17 above,
13 each of which are incorporated herein by reference. The citation has since become final, and
14 Respondent has paid the \$1,500 fine imposed thereby.

15 **PRAYER**

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

- 18 1. Revoking or suspending Pharmacy Technician Registration Number 95583, issued to
19 Valerie Torrez;
- 20 2. Ordering Valerie Torrez to pay the Board of Pharmacy the reasonable costs of the
21 investigation and enforcement of this case, pursuant to Business and Professions Code section
22 125.3; and,
- 23 3. Taking such other and further action as deemed necessary and proper.

24 DATED: 7/29/2021

Signature on File

25 ANNE SODERGREN
26 Executive Officer
27 Board of Pharmacy
Department of Consumer Affairs
State of California
Complainant