

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

**In the Matter of the Accusation Against:  
LETICIA S. RUIZ, Respondent  
Agency Case No. 7204  
OAH No. 2022020773**

**DECISION AFTER REJECTION**

On September 1, 2022, the ALJ issued a proposed decision (Proposed Decision). On November 4, 2022, pursuant to section 11517 of the Government Code, the California State Board of Pharmacy (Board) issued an Order Rejecting the Proposed Decision and notified the parties that it would decide the case upon the record, including the transcripts and upon written argument the parties might wish to submit. On February 23, 2023, the Board Issued an Order Setting the Date for Submission of Written Argument on March 24, 2023. Written argument was timely received from the complainant only.

The Board having reviewed and considered the entire record, including the transcript exhibits and written argument from the complainant, now issues this decision after rejection.

The September 1, 2022 Proposed Decision is adopted by the Board with only the following change. Paragraph 1 of the **Legal Conclusions, Standard and Burden of Proof** in the Proposed Decision is deleted and replaced with the following paragraph 1 of the **Legal Conclusions, Standard and Burden of Proof** on page 7 of the Proposed Decision:

1. In an action to revoke or suspend a pharmacy technician’s registration, complainant bears the burden to prove her case by clear and convincing evidence. (*Ettinger v. Bd. of Medical Quality Assurance* (1982) 135 Cal.App.3d 853.) “Clear and convincing evidence” requires a finding of high probability. It must be sufficiently strong to command the unhesitating assent of every reasonable mind. (*In re David C.* (1984) 152 Cal.App.3d 1189.)

With the exception of this one change, the Proposed Decision is adopted as the Board’s decision in this matter.

This Decision shall become effective at 5:00 p.m. on May 26, 2023.

It is so ORDERED on April 26, 2023.

BOARD OF PHARMACY  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

By



Seung W. Oh, Pharm.D.  
Board President

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

**In the Matter of the Accusation Against:**

**LETICIA S. RUIZ, Respondent**

**Pharmacy Technician Registration No. TCH 26688**

**Agency Case No. 7204**

**OAH No. 2022020773**

**ORDER SETTING DATE FOR SUBMISSION OF WRITTEN ARGUMENT**

The California State Board of Pharmacy (hereinafter "board") will decide the case upon the record, including the transcript(s) and exhibits, of the hearing (Administrative Record), and upon such written argument as the parties may wish to submit. The Administrative Record of the hearing in the above-entitled matter having now become available, the parties are hereby notified of the opportunity to submit written argument. No new evidence may be submitted.

Written argument shall be filed with the Board of Pharmacy, Attn. Susan Cappello, 2720 Gateway Oaks Drive, Suite 100, Sacramento, California, 95833, or [susan.cappello@dca.ca.gov](mailto:susan.cappello@dca.ca.gov) on or before **March 24, 2023**.

It is so ORDERED on February 23, 2023.

BOARD OF PHARMACY  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

By

A handwritten signature in black ink, appearing to read "Seung W. Oh". The signature is written in a cursive style with a large initial "S" and "O".

Seung W. Oh, Pharm.D.  
Board President

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

**In the Matter of the Accusation Against:**

**LETICIA S. RUIZ, Respondent**

**Agency Case No. 7204**

**OAH No. 2022020773**

**PROPOSED DECISION**

Sean Gavin, Administrative Law Judge, Office of Administrative Hearings (OAH), State of California, heard this matter by videoconference on August 2, 2022, from Sacramento, California.

Steve J. Pyun, Deputy Attorney General, represented Anne Sodergren (complainant), Executive Officer of the Board of Pharmacy (Board), Department of Consumer Affairs.

Leticia S. Ruiz (respondent) appeared without the assistance of counsel.

Evidence was received and the hearing concluded on August 2, 2022. The record was held open until August 3, 2022, to allow complainant to submit redacted exhibits. Complainant did so, the record closed, and the matter was submitted for decision on August 3, 2022.

## **FACTUAL FINDINGS**

### **Jurisdictional Matters**

1. On August 4, 1998, the Board issued respondent Pharmacy Technician Registration number TCH 26688 (registration). The registration was active at all relevant times and will expire on June 30, 2024, unless renewed.

2. On January 27, 2022, complaint, acting in her official capacity, filed an Accusation seeking to discipline respondent's license based on her November 2013 and October 2020 criminal convictions and the conduct underlying them. Respondent filed a Notice of Defense. This hearing followed.

### **Respondent's Convictions**

3. On November 19, 2013, in the Superior Court of California, County of Tulare, case number VCM 288441, respondent was convicted, on her plea of no contest, of violating Vehicle Code section 23103.5 (reckless driving involving the ingestion or administration of a drug), a misdemeanor. The court suspended imposition of sentence and placed respondent on informal probation for two years with conditions that required her, among other things, to enroll in a four week "wet reckless" program, complete 20 hours of community service, and pay fines and fees.

4. The circumstances underlying the conviction occurred on July 10, 2013, at approximately 3:30 p.m., when respondent was in a car accident. Visalia Police Department officers visited the scene and interviewed respondent, who stated she had

taken two Xanax<sup>1</sup> and two Effexor<sup>2</sup> between 7:00 a.m. and 8:00 a.m. that day. Respondent exhibited objective signs of intoxication and performed poorly on field sobriety tests. Based thereon, the officers arrested her and took a blood sample for toxicology testing. Her blood sample subsequently tested positive for alprazolam.

5. On October 22, 2020, in the Superior Court of California, County of Tulare, case number VCM 397350, respondent was convicted, on her plea of no contest, of violating Vehicle Code section 23152, subdivision (f) (driving under the influence (DUI) of a drug), a misdemeanor. The court suspended imposition of sentence and placed respondent on informal probation for five years with conditions that required her, among other things, to serve 30 days in jail, complete an 18-month DUI program, and pay fines and fees.

6. The circumstances underlying the conviction occurred on December 26, 2019, when Visalia Police Department officers stopped respondent after receiving a complaint that she was driving recklessly. Respondent exhibited objective signs of intoxication and performed poorly on field sobriety tests. She told the officers she had taken Xanax earlier that day. Based thereon, the officers arrested her and took a blood

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<sup>1</sup> Xanax is a brand of alprazolam, a prescription benzodiazepine and Schedule IV controlled substance. (Health & Saf. Code, § 11507, subd. (d)(1).)

<sup>2</sup> Effexor is a brand of venlafaxine, a prescription antidepressant.

sample for toxicology testing. Her blood sample subsequently tested positive for alprazolam and phentermine.<sup>3</sup>

## **Respondent's Evidence**

7. Respondent used to take Xanax for anxiety. She does not believe she has ever had "a problem" with Xanax or any other drug. She acknowledged that she took more pills than she should have prior to her 2013 arrest. Prior to her 2020 arrest, she took approximately three pills per day, as prescribed by her doctor. She believes she took an appropriate dosage. Additionally, she had not eaten food and had gone back and forth from her house, where it was warm, to her car, where it was cold, several times before driving. She "can't really explain what happened that day," but believes taking Xanax without eating, quickly alternating between hot and cold environments, and general nervousness may have contributed to her behavior that the police officers misconstrued as intoxication. She does not believe the Xanax or phentermine affected her ability to drive safely.

8. After her 2020 arrest, respondent stopped taking Xanax and her doctor prescribed her Buspar<sup>4</sup> instead. She no longer takes Buspar because the main source of her anxiety, her son's illness, has resolved. She still takes phentermine as prescribed by her doctor to assist with weight loss.

9. Respondent has completed almost two years of her five-year criminal probation, which is scheduled to end in October 2025. In May 2022, she completed her

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<sup>3</sup> Phentermine is a prescription stimulant and Schedule IV controlled substance. (Health & Saf. Code, § 11057, subd. (f)(4).)

<sup>4</sup> Buspar is a prescription brand of anxiolytic medication.

18-month DUI program, which included counseling and group meetings. She is making payments on the court-ordered fines and fees.

### **CHARACTER LETTERS**

10. Respondent submitted four character letters from former coworkers. Collectively, the authors described respondent as hard working, reliable, dependable, trustworthy, honest, friendly, helpful, committed, compassionate, and professional. None of the letters discussed respondent's convictions or underlying conduct.

### **Analysis**

11. The Board has adopted criteria to evaluate the rehabilitation of licensees convicted of crimes substantially related to the qualifications, functions, and duties of licensees. The criteria relevant to this matter include the nature and gravity of the acts or offenses, the licensee's total criminal record, the time that has elapsed since commission of the acts or offenses, and whether the licensee has complied with all terms of parole, probation, restitution, or any other sanctions lawfully imposed against her. (Cal. Code Regs., tit. 16, §1769, subd. (c).)

12. Respondent's crimes were serious and jeopardized the safety of herself and the public. "The more serious the misconduct and the bad character evidence, the stronger the applicant's showing of rehabilitation must be." (*In re Gossage* (2000) 23 Cal.4th 1080, 1096.) Respondent presented some evidence of rehabilitation. She has completed the court-ordered 18-month DUI program and is making payments on her court-ordered fines and fees. However, she did not explain what she has learned from her DUI program. To the contrary, she does not believe she has any drug problem at all.

13. Furthermore, although one of respondent's convictions occurred almost nine years ago, her most recent conviction occurred approximately 23 months ago. It is concerning that she drove under the influence of Xanax despite knowing from her 2013 conviction that doing so could compromise her safety. Additionally, respondent will remain on criminal probation until October 2025. Little weight is given to evidence of rehabilitation while a person is on probation because it is expected that a person will act in an exemplary fashion while on probation. (*In re Gossage, supra*, 23 Cal.4th at p. 1099). Instead, respondent must prove her rehabilitation through "sustained conduct, over an extended period of time, that demonstrates [she] is rehabilitated and fit to practice." (*In re Menna* (1995) 11 Cal.4th 975, 987, 991.) Respondent has not yet had the chance to do so.

14. Finally, respondent has the support of her former coworkers, as evidenced through her character letters. However, the letters are of limited value because none of the authors discussed respondent's crimes or rehabilitation. "If the character witnesses were not aware of the extent and seriousness of [respondent's] criminal activities, their evaluations of [her] character carry less weight." (*Seide v. Com. of Bar Examiners of the State Bar of California* (1989) 49 Cal.3d 933, 940.)

15. When the evidence and rehabilitation factors are considered as a whole, respondent did not establish that she has engaged in sufficient rehabilitation such that her continued registration as a pharmacy technician would be consistent with the public interest, safety, and welfare. Her registration should therefore be revoked.

## **Costs**

16. Pursuant to Business and Professions Code<sup>5</sup> section 125.3, complainant requested respondent be ordered to reimburse the Board its costs for prosecution of this matter. Complainant submitted a Certification of Prosecution Costs signed by Mr. Pyun. This certification indicates Mr. Pyun and three of his colleagues billed the Board \$5,485 in costs for 25 hours enforcing this matter and includes a daily itemization of the tasks performed and time consumed. Respondent did not object to the costs at hearing.

## **LEGAL CONCLUSIONS**

### **Standard and Burden of Proof**

1. In an action to revoke or suspend a pharmacy technician's registration, complainant bears the burden to prove her case by a preponderance of the evidence. (Evid. Code, § 115.) The Board may issue a pharmacy technician registration to a high school graduate who has taken 240 hours of relevant training. (§ 4202, subd. (a)(2); Cal Code Regs., tit. 16, § 1793.6, subd. (c).) As such, a pharmacy technician registration is an occupational license, as opposed to a professional license, which "represents the licensee's fulfillment of extensive educational, training and testing requirements." (*San Benito Foods v. Veneman* (1996) 50 Cal.app.4th 1889, 1894.)

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<sup>5</sup> All statutory references are to the Business and Professions Code, unless otherwise specified.

2. Once cause for discipline is established, the licensee has the burden to prove rehabilitation, which is akin to an affirmative defense. (*Whetstone v. Bd. of Dental Examiners* (1927) 87 Cal.App.156, 164.) The licensee must prove rehabilitation by a preponderance of the evidence. "Preponderance of the evidence means such evidence as, when weighed with that opposed to it, has more convincing force and the greater probability of truth." (*People v. Condley* (1977) 69 Cal.App.3d 999, 1008.)

## **Causes for Discipline**

3. Every license issued by the Board may be suspended or revoked. (§ 4300, subd. (a).) "License" includes a pharmacy technician registration. (§ 4032.)

4. The Board may discipline a licensee based on "[t]he conviction of a crime substantially related to the qualifications, functions, and duties of a licensee under this chapter." (§ 4301, subd. (l).) As discussed in Factual Findings 3 through 6, in November 2013, respondent was convicted of reckless driving involving the ingestion or administration of a drug, and in October 2020, respondent was convicted of driving under the influence of a drug. Both crimes are substantially related to the qualifications, functions, and duties of a Board licensee because they each involved driving under the influence of drugs or alcohol. (Cal. Code Regs., tit. 16, § 1770, subd. (c)(5).) Cause therefore exists to discipline respondent's pharmacy technician registration pursuant to section 4301, subdivision (l).

5. The Board may discipline a licensee based on "[t]he administering to oneself, of any controlled substance, or the use of any dangerous drug . . . to the extent or in a manner as to be dangerous or injurious to oneself . . . or to any other person or to the public." (§ 4301, subd. (h).) "Dangerous drug" means, among other things, "[a]ny other drug or device that by federal or state law can be lawfully

dispensed only on prescription or furnished pursuant to Section 4006.” (§ 4022, subd. (c).) As discussed in Factual Findings 3 through 6, both of respondent’s criminal convictions involved using alprazolam, venlafaxine, and/or phentermine, all of which are controlled substances and available only by prescription. The conduct underlying respondent’s convictions therefore involved her self-administration of controlled substances and/or dangerous drugs to an extent or in a manner that was dangerous to her and the public. Cause therefore exists to discipline respondent’s pharmacy technician registration pursuant to section 4301, subdivision (h).

6. The Board may discipline a licensee based on “[t]he conviction of more than one misdemeanor . . . involving the use, consumption, or self-administration of any dangerous drug or alcoholic beverage, or any combination of those substances.” (§ 4301, subd. (k).) As discussed in Factual Findings 3 through 6, respondent was convicted of misdemeanors involving the use, consumption, or self-administration of dangerous drugs in November 2013 and October 2020. Cause therefore exists to discipline respondent’s pharmacy technician registration pursuant to section 4301, subdivision (k).

### **Appropriate Discipline**

7. As discussed in Factual Findings 11 through 15, respondent did not demonstrate by a preponderance of the evidence that she has undergone enough rehabilitation such that her continued registration as a pharmacy technician would be consistent with public health, safety, and welfare. As a result, her registration should be revoked.

## Costs

8. In *Zuckerman v. Board of Chiropractic Examiners* (2002) 29 Cal.4th 32, the California Supreme Court set forth factors to be considered in determining the reasonableness of the costs sought pursuant to statutory provisions like section 125.3. These 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 financial ability of the licensee to pay, and whether the scope of the investigation was appropriate considering the alleged misconduct.

9. As set forth in Factual Finding 16, complainant seeks reimbursement in the total amount of \$5,485 for the prosecution costs incurred in this matter. A certified copy of the actual costs, or a good faith estimate of costs where actual costs are not available, signed by the entity bringing the proceeding or its designated representative, shall be prima facie evidence of reasonable costs of prosecution of the case. (§ 125.3, subd. (c).) Respondent did not rebut complainant's prima facie evidence. Complainant's requested costs are reasonable considering the facts and issues presented in this case, and respondent did not challenge the costs at hearing. However, respondent is making payments on her court-ordered fines and fees related to her 2020 conviction. As such, although the *Zuckerman* factors do not provide a basis to reduce the amount of costs complainant seeks, respondent shall be ordered to pay the requested amount in full if and when her registration is reinstated.

## ORDER

Pharmacy Technician Registration number TCH 26688, issued to respondent Leticia S. Ruiz, is REVOKED. Respondent shall relinquish her license, including any indicia of licensure issued by the Board, to the Board within 10 days of the effective date of this decision. Respondent may not reapply or petition the Board for reinstatement of her revoked license for three years from the effective date of this decision.

As a condition precedent to reinstatement of her revoked license, respondent shall reimburse the Board for its costs of investigation and prosecution in the amount of \$5,485. Said amount shall be paid in full prior to the reinstatement of her license unless otherwise ordered by the Board.

DATE: September 1, 2022

  
Sean Gavin (Sep 1, 2022 13:52 PDT)

SEAN GAVIN

Administrative Law Judge

Office of Administrative Hearings

1 ROB BONTA  
Attorney General of California  
2 DAVID E. BRICE  
Supervising Deputy Attorney General  
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9 **BEFORE THE**  
**BOARD OF PHARMACY**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 7204

13 **LETICIA S. RUIZ**  
14 30926 Farr Road  
Visalia, CA 93291

**ACCUSATION**

15 **Pharmacy Technician Registration**  
16 **No. TCH 26688**

17 Respondent.

18  
19 **PARTIES**

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

22 2. On or about August 4, 1998, the Board of Pharmacy issued Pharmacy Technician  
23 Registration Number TCH 26688 to Leticia S. Ruiz (Respondent). The Pharmacy Technician  
24 Registration was in full force and effect at all times relevant to the charges brought herein and  
25 will expire on June 30, 2022, unless renewed.

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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 4011 of the Code provides that the Board shall administer and enforce both  
6 the Pharmacy Law [Code sections 4000 *et seq.*] and the Uniform Controlled Substances Act  
7 [Health & Safety Code sections 11000 *et seq.*].

8 5. Section 4300 of the Code states, in pertinent part, that “[e]very license issued may be  
9 suspended or revoked.”

10 6. Section 4300.1 of the Code states:

11 The expiration, cancellation, forfeiture, or suspension of a board-issued license by  
12 operation of law or by order or decision of the board or a court of law, the placement of a  
13 license on a retired status, or the voluntary surrender of a license by a licensee shall not  
14 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.

15 **STATUTORY PROVISIONS**

16 7. Section 4022 of the Code states

17 Dangerous drug or dangerous device means any drug or device unsafe for  
18 self-use in humans or animals, and includes the following:

19 (a) Any drug that bears the legend: Caution: federal law prohibits dispensing  
without prescription, Rx only, or words of similar import.

20 (b) Any device that bears the statement: Caution: federal law restricts this  
21 device to sale by or on the order of a \_\_\_\_\_, Rx only, or words of similar  
import, the blank to be filled in with the designation of the practitioner licensed to use  
22 or order use of the device.

23 (c) Any other drug or device that by federal or state law can be lawfully  
dispensed only on prescription or furnished pursuant to Section 4006.

24 8. Section 4301 of the Code states:

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

27 . . .

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

6 ...

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

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

### **REGULATORY PROVISIONS**

9. 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**

10. Section 125.3 of the Code states, 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

1 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
2 enforcement of the case.

### 3 DEFINITIONS

4 11. Xanax, a brand name for alprazolam, is an anti-anxiety benzodiazepine and is a  
5 Schedule IV controlled substance as designated by Health and Safety Code section 11057(d)(1)  
6 and is categorized as a dangerous drug pursuant to section 4022(c) of the Code.

7 12. Effexor, a brand name for venlafaxine, is an antidepressant and a dangerous drug  
8 pursuant to Business and Professions Code section 4022.

9 13. Phentermine, a stimulant, is classified as a Schedule IV controlled substance pursuant  
10 to the Health and Safety Code section 11057, subdivision (f)(4), and is a dangerous drug within  
11 the meaning of section 4022.

### 12 FACTUAL ALLEGATIONS

13 14. On or about November 19, 2013, after pleading nolo contendere, Respondent was  
14 convicted of one misdemeanor count of violating Vehicle Code section 23103.5 [alcohol/drug-  
15 related reckless driving] in the criminal proceeding entitled *The People of the State of California*  
16 *v. Leticia Saldivar Ruiz* (Super. Ct. Tulare County, 2013, No. VCM 288441). The court placed  
17 Respondent on probation for two years. The court ordered Respondent to pay a fine of \$1,098.00  
18 and complete a “wet and reckless” course. The circumstances underlying the conviction are that  
19 on or about January 10, 2013, Respondent was driving under the influence of Xanax and Effexor  
20 when she rear-ended a vehicle stopped at a red light in Visalia, California. Respondent was seen  
21 weaving in and out of her lane of travel and striking a curb before the accident. A witness to the  
22 accident observed that Respondent was slumped over her steering wheel before her vehicle struck  
23 the other vehicle. Respondent was arrested after she failed field sobriety tests. A blood test  
24 revealed the presence of Xanax and Effexor in Respondent’s system.

25 15. On or about October 22, 2020, after pleading nolo contendere, Respondent was  
26 convicted of one misdemeanor count of violating Vehicle Code section 23152, subdivision (f)  
27 [DUI - Drugs] in the criminal proceeding entitled *The People of the State of California v. Leticia*  
28 *Saldivar Ruiz* (Super. Ct. Tulare County, 2020, No. VCM 397350). The court ordered

1 Respondent to serve 30 days in county jail, and placed Respondent on probation for five years.  
2 The court ordered Respondent to pay a fine of \$2,164.00 and complete an 18-month multiple  
3 offender DUI program. The circumstances underlying the conviction are that on or about  
4 December 26, 2019, Respondent was pulled over in Visalia after a police officer observed her  
5 weaving in and out of her lane. The officer observed that Respondent's speech was slurred, and  
6 that she had trouble maintaining her balance. A blood test revealed the presence of Xanax and  
7 Phentermine in Respondent's system.

8 **FIRST CAUSE FOR DISCIPLINE**

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

10 16. Respondent is subject to disciplinary action under Code section 4301, subdivision (l),  
11 in that Respondent was convicted of crimes substantially related to the qualifications, functions,  
12 or duties of a licensed Pharmacy Technician. Complainant refers to, and by this reference  
13 incorporates, the allegations set forth above in paragraphs 14 through 15 as though set forth fully  
14 herein.

15 **SECOND CAUSE FOR DISCIPLINE**

16 **(Use of Dangerous Drugs in Manner Dangerous to Public)**

17 17. Respondent is subject to disciplinary action under Code section 4301, subdivision (h),  
18 in that Respondent used dangerous drugs in a manner as to be dangerous or injurious to the  
19 public. Complainant refers to, and by this reference incorporates, the allegations set forth above  
20 in paragraphs 14 through 15 as though set forth fully herein.

21 **THIRD CAUSE FOR DISCIPLINE**

22 **(Conviction of More Than One Misdemeanor Involving Use of Dangerous Drugs)**

23 18. Respondent is subject to disciplinary action under Code section 4301, subdivision (k),  
24 in that Respondent was convicted of more than one misdemeanor involving the use of dangerous  
25 drugs. Complainant refers to, and by this reference incorporates, the allegations set forth above in  
26 paragraphs 14 through 15 as though set forth fully herein.

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**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 26688, issued to Leticia S. Ruiz;
2. Ordering Leticia S. Ruiz 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: 1/27/2022

Signature on File

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

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