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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:

Case No. 7408

13 **CATHERINE A. OCHOA**  
14 **861 N. Hacienda Boulevard**  
**La Puente, CA 91744**

**DEFAULT DECISION AND ORDER**

15 **Pharmacy Technician License No.**  
16 **TCH 8295**

[Gov. Code, §11520]

17 Respondent.  
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19 **FINDINGS OF FACT**

20 1. On or about January 5, 2023, Complainant Anne Sodergren, in her official capacity as  
21 the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs, filed  
22 Accusation No. 7408 against Catherine A. Ochoa (Respondent) before the Board of Pharmacy.  
23 (Accusation attached as Exhibit A.)

24 2. On or about July 12, 1993, the Board of Pharmacy (Board) issued Pharmacy  
25 Technician License No. TCH 8295 to Respondent. The Pharmacy Technician License was in full  
26 force and effect at all times relevant to the charges brought in Accusation No. 7408 and will expire  
27 on May 31, 2023, unless renewed.

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1           3.     On or about January 10, 2023, Respondent was served by Certified and First Class  
2 Mail copies of the Accusation No. 7408, 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 Respondent's address of record which, pursuant to Business and Professions Code  
5 section 4100, is required to be reported and maintained with the Board. Respondent's address of  
6 record was and is:

7     861 N. Hacienda Boulevard  
8     La Puente, CA 91744.

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

11          5.     Government Code section 11506(c) states, in pertinent part:

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

17          6.     The Board takes official notice of its records and the fact that Respondent failed to  
18 file a Notice of Defense within 15 days after service upon her of the Accusation, and therefore  
19 waived her right to a hearing on the merits of Accusation No. 7408.

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

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

25          8.     Pursuant to its authority under Government Code section 11520, the Board finds  
26 Respondent is in default. The Board will take action without further hearing and, based on the  
27 relevant evidence contained in the Default Decision Investigatory Evidence Packet in this matter,  
28 finds that the charges and allegations in Accusation No. 7408, 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 \$1,596.25  
as of February 7, 2023.

**DETERMINATION OF ISSUES**

1. Based on the foregoing findings of fact, Respondent Catherine A. Ochoa has subjected her Pharmacy Technician License No. TCH 8295 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 License 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 is subject to disciplinary action under sections 490 and 4301, subdivision (l), in conjunction with California Code of Regulations, title 16, section 1770, subdivision (c)(5), in that Respondent was convicted of a crime substantially related to the qualifications, functions, and duties of a pharmacy technician. Specifically, on or about November 4, 2021, after her guilty plea, Respondent was convicted of one (1) misdemeanor of violating Vehicle Code section 23152, subdivision (a) (driving while under the influence of alcohol) in the criminal proceeding titled: *The People of the State of California v. Catherine Ann Ochoa* (Super. Ct. Orange County, 2021, No. 21NM12443 M A).

b. Respondent is subject to disciplinary action under section 4301, subdivision (h), in that on or about October 4, 2021, Respondent used alcoholic beverages to the extent or in a manner as to be dangerous or injurious to herself, another person, or to the public.

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**ORDER**

IT IS SO ORDERED that Pharmacy Technician License No. TCH 8295, issued to Respondent Catherine A. Ochoa, 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 at 5:00 a.m. on June 23, 2023.

It is so ORDERED on May 24, 2023.

BOARD OF PHARMACY  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA



By \_\_\_\_\_

Seung W. Oh, Pharm D.  
Board President

65728513.DOCX  
DOJ Matter ID:LA2022603927

Attachment:  
Exhibit A: Accusation

# Exhibit A

Accusation

1 ROB BONTA  
Attorney General of California  
2 ARMANDO ZAMBRANO  
Supervising Deputy Attorney General  
3 KIM KASRELIOVICH  
Supervising Deputy Attorney General  
4 State Bar No. 261766  
300 So. Spring Street, Suite 1702  
5 Los Angeles, CA 90013  
Telephone: (213) 269-6444  
6 Facsimile: (916) 731-2126  
E-mail: Kim.Kasreliovich@doj.ca.gov  
7 *Attorneys for Complainant*

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 No. 7408

13 **CATHERINE A. OCHOA**  
14 **861 N. Hacienda Boulevard**  
**La Puente, CA 91744**

**ACCUSATION**

15 **Pharmacy Technician License No. TCH**  
16 **8295**

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 (Board), Department of Consumer Affairs.

22 2. On or about July 12, 1993, the Board issued Pharmacy Technician License Number  
23 TCH 8295 to Catherine A. Ochoa (Respondent). The Pharmacy Technician License was in full  
24 force and effect at all times relevant to the charges brought herein and will expire on May 31,  
25 2023, unless renewed.

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## **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 unless otherwise indicated.

4. Section 118, subdivision (b), of the Code provides that the suspension, expiration, surrender or cancellation of a license shall not deprive the Board, Registrar, or Director of jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued or reinstated.

5. Section 4300 provides, in pertinent part, that every license issued by the Board is subject to discipline, including suspension or revocation.

6. Section 4300.1 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 AND REGULATORY PROVISIONS**

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."<sup>9</sup>

10. Section 4301 of the Code states, in pertinent part:

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.

....

(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.

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

(a) For the purpose of denial, suspension, or revocation of a personal or facility license pursuant to Section 141 or Division 1.5 (commencing with Section 475) of the Business and Professions Code, a crime, professional misconduct, or act 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.

....

(c) For purposes of subdivision (a), substantially related crimes, professional misconduct, or acts shall include, but are not limited to, those which:

....

(5) Involve a conviction for driving under the influence of drugs or alcohol.

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1 **COST RECOVERY**

2 12. Section 125.3 of the Code provides, in pertinent part, that the Board may request the  
3 administrative law judge to direct a licensee found to have committed a violation or violations of  
4 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
5 enforcement of the case, with failure of the licensee to comply subjecting the license to not being  
6 renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be  
7 included in a stipulated settlement.

8 **FIRST CAUSE FOR DISCIPLINE**

9 **(Conviction of a Substantially Related Crime)**

10 13. Respondent is subject to disciplinary action under sections 490 and 4301, subdivision  
11 (l), in conjunction with California Code of Regulations, title 16, section 1770, subdivision (c)(5),  
12 in that Respondent was convicted of a crime substantially related to the qualifications, functions,  
13 and duties of a pharmacy technician. On or about November 4, 2021, after her guilty plea,  
14 Respondent was convicted of one (1) misdemeanor of violating Vehicle Code section 23152,  
15 subdivision (a) (driving while under the influence of alcohol) in the criminal proceeding titled:  
16 *The People of the State of California v. Catherine Ann Ochoa* (Super. Ct. Orange County, 2021,  
17 No. 21NM12443 M A). The court placed Respondent on three (3) years of probation with terms  
18 and conditions. The circumstances surrounding the conviction were that on or about October 4,  
19 2021, officers responded to a hit-and-run call at approximately 3:00 p.m. in front of an  
20 elementary school. The reporting party stated Respondent had collided with a parked car and  
21 continued driving. Officers arrived to the location and saw Respondent walking away from her  
22 vehicle. Respondent stated she had no recollection of the collision and was not aware her vehicle  
23 had collision damage. Officers noted Respondent displayed objective symptoms of alcohol  
24 intoxication and she refused to submit to a chemical test. A warrant was obtained for her blood  
25 sample at approximately 7:00 p.m., which resulted in a blood alcohol concentration of 0.23.

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1 **SECOND CAUSE FOR DISCIPLINE**

2 **(Dangerous Use of Alcohol)**

3 14. Respondent is subject to disciplinary action under section 4301, subdivision (h), in  
4 that on or about October 4, 2021, Respondent used alcoholic beverages to the extent or in a  
5 manner as to be dangerous or injurious to herself, another person, or to the public. Complainant  
6 refers to, and by this reference incorporates, the allegations set forth above in paragraph 13, as  
7 though set forth fully.

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 License Number TCH 8295, issued to  
12 Catherine A. Ochoa;
- 13 2. Ordering Catherine A. Ochoa to pay the Board of Pharmacy the reasonable costs of  
14 the investigation and enforcement of this case, pursuant to Business and Professions Code section  
15 125.3; and,
- 16 3. Taking such other and further action as deemed necessary and proper.
- 17

18  
19 DATED: 1/5/2023

Sodergren,  
Anne@DCA

Digitally signed by  
Sodergren, Anne@DCA  
Date: 2023.01.05 08:29:33  
-08'00'

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

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