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

In the Matter of the Accusation Against:

**JOCELYN CORTEZ**  
**1024 North 3rd St.**  
**Lompoc, CA 93436**

**Pharmacy Technician Registration No. TCH**  
**156560**

Respondent.

Case No. 7490

**DEFAULT DECISION AND ORDER**

[Gov. Code, §11520]

**FINDINGS OF FACT**

1. On or about June 29, 2023, Complainant Anne Sodergren, in her official capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs, filed Accusation No. 7490 against Jocelyn Cortez (Respondent) before the Board of Pharmacy. (Accusation attached as Exhibit A.)

2. On or about September 6, 2016, the Board of Pharmacy (Board) issued Pharmacy Technician Registration No. TCH 156560 to Respondent. The Pharmacy Technician Registration was in full force and effect at all times relevant to the charges brought in Accusation No. 7490 and will expire on May 31, 2024, unless renewed.

1           3.     On or about June 30, 2023, Respondent was served by Certified and First Class Mail  
2 copies of the Accusation No. 7490, Statement to Respondent, Notice of Defense, Request for  
3 Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6, and 11507.7) at  
4 Respondent's address of record which, pursuant to Business and Professions Code section 4100,  
5 is required to be reported and maintained with the Board. Respondent's address of record was  
6 and is:

7     1024 North 3rd St.  
8     Lompoc, CA 93436.

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. 7490.

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. 7490, 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 \$3,441.25  
as of August 29, 2023.

**DETERMINATION OF ISSUES**

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2       1.     Based on the foregoing findings of fact, Respondent Jocelyn Cortez has subjected her  
3 Pharmacy Technician Registration No. TCH 156560 to discipline.

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

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

8           a.     Conviction of a Substantially Related Crime – February 11, 2021, Assault by Means  
9 of Force Likely to Produce Great Bodily Injury, violating Business and Professions Code  
10 sections 490, 4300, and 4301, subdivision (l), in conjunction with California Code of  
11 Regulations, title 16, section 1770, on the grounds of unprofessional conduct.

12          b.     Convictions of a Substantially Related Crimes – November 2, 2022, Child Abuse  
13 Under Circumstances or Conditions Likely to Cause GBI or Death, Driving Under the Influence  
14 of Alcohol Causing Injury and Leaving the Scene of an Accident, violating Business and  
15 Professions Code sections 490, 4300, and 4301, subdivision (l), in conjunction with California  
16 Code of Regulations, title 16, section 1770, on the grounds of unprofessional conduct.

17          c.     Alcohol Related Felony Conviction, violating Business and Professions Code sections  
18 4300, and 4301, subdivision (k), on the grounds of unprofessional conduct.

19          d.     Dangerous Use of Alcohol, violating Business and Professions Code sections 4300,  
20 and 4301, subdivision (h), on the grounds of unprofessional conduct.

21          e.     Acts Involving Moral Turpitude, Dishonesty, Fraud, Deceit, or Corruption, violating  
22 Business and Professions Code sections 4300 and 4301, subdivision (f), on the grounds of  
23 unprofessional conduct.

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**ORDER**

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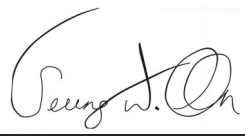
IT IS SO ORDERED that Pharmacy Technician Registration No. TCH 156560, issued to Respondent Jocelyn Cortez, is revoked.

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 p.m. on November 8, 2023.

It is so ORDERED on October 9, 2023.

BOARD OF PHARMACY DEPARTMENT  
OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA



By: \_\_\_\_\_

Seung W. Oh, Pharm.D.  
Board President

66193952.DOCX  
DOJ Matter ID:LA2023600988

Attachment:  
Exhibit A: Accusation

# Exhibit A

Accusation

1 ROB BONTA  
Attorney General of California  
2 SHAWN P. COOK  
Supervising Deputy Attorney General  
3 NANCY A. KAISER  
Supervising Deputy Attorney General  
4 State Bar No. 192083  
300 So. Spring Street, Suite 1702  
5 Los Angeles, CA 90013  
Telephone: (213) 269-6320  
6 Facsimile: (916) 731-2126  
*Attorneys for Complainant*  
7

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. 7490

13 **JOCELYN CORTEZ**  
14 **1024 North 3rd St.**  
**Lompoc, CA 93436**

**ACCUSATION**

15 **Pharmacy Technician Registration No. TCH**  
16 **156560**

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 (Board).

22 2. On or about September 6, 2016, the Board issued Pharmacy Technician Registration  
23 Number TCH 156560 to Jocelyn Cortez (Respondent). The Pharmacy Technician Registration  
24 was in full force and effect at all times relevant to the charges brought herein and will expire on  
25 May 31, 2024, unless renewed.

26 **JURISDICTION**

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



1 (f) The commission of any act involving moral turpitude, dishonesty, fraud,  
2 deceit, or corruption, whether the act is committed in the course of relations as a  
3 licensee or otherwise, and whether the act is a felony or misdemeanor or not.

4 . . . .

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

10 . . . .

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

14 (l) The conviction of a crime substantially related to the qualifications,  
15 functions, and duties of a licensee under this chapter. The record of conviction of a  
16 violation of Chapter 13 (commencing with Section 801) of Title 21 of the United  
17 States Code regulating controlled substances or of a violation of the statutes of this  
18 state regulating controlled substances or dangerous drugs shall be conclusive  
19 evidence of unprofessional conduct. In all other cases, the record of conviction shall  
20 be conclusive evidence only of the fact that the conviction occurred. The board may  
21 inquire into the circumstances surrounding the commission of the crime, in order to  
22 fix the degree of discipline or, in the case of a conviction not involving controlled  
23 substances or dangerous drugs, to determine if the conviction is of an offense  
24 substantially related to the qualifications, functions, and duties of a licensee under this  
25 chapter. A plea or verdict of guilty or a conviction following a plea of nolo  
26 contendere is deemed to be a conviction within the meaning of this provision. The  
27 board may take action when the time for appeal has elapsed, or the judgment of  
28 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. . . .

### **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.

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1 **COST RECOVERY**

2 10. Section 125.3 provides that the Board may request the administrative law judge to  
3 direct a licensee found to have committed a violation or violations of the licensing act to pay a  
4 sum not to exceed the reasonable costs of the investigation and enforcement of the case.

5 **FIRST CAUSE FOR DISCIPLINE**

6 **(Conviction of a Substantially Related Crime – February 11, 2021,**  
7 **Assault by Means of Force Likely to Produce Great Bodily Injury)**

8 11. Respondent is subject to disciplinary action under sections 490, 4300, and 4301,  
9 subdivision (l), in conjunction with California Code of Regulations, title 16, section 1770, on the  
10 grounds of unprofessional conduct, in that Respondent was convicted of a crime substantially  
11 related to the qualifications, functions or duties of a pharmacy technician. The facts and  
12 circumstances are as follows:

13 a On or about February 11, 2021, Respondent was convicted of one felony count of  
14 violating Penal Code section 245(a)(4) [assault by means of force likely to produce great bodily  
15 injury] in the criminal proceeding entitled *The People of the State of California v. Jocelyn Cortez*  
16 (Super. Ct. Santa Barbara County, 2021, No. 20CR03725). On or about March 25, 2021, the  
17 Court sentenced Respondent to serve three days in jail, placed her on two years of probation, and  
18 ordered her to not drink or possess alcoholic beverages, stay out of bars and liquor stores,  
19 participate in alcohol/drug treatment as directed by a Probation Officer, complete a 12-Week  
20 Anger Management Program, participant in Thinking for Change and stay away from victims.

21 b. The circumstances of the arrest leading to the conviction are that on or about March  
22 23, 2020, Respondent was videotaped in her apartment kicking and hitting a female victim while  
23 the victim was on the ground. Respondent walks toward the victim's head and begins to stomp  
24 her head into the tile floor and leans over and hits the victim several times in the head while  
25 another continues to hit the victim in the back. On or about April 28, 2020, during an interview  
26 with Respondent regarding a gang related shooting that occurred at Respondent's residence on or  
27 about April 26, 2020, Respondent informed officers that on or about March 23, 2020, the victim  
28 was talking bad about another and that is why Respondent and another jumped the victim.

1 **SECOND CAUSE FOR DISCIPLINE**

2 **(Convictions of a Substantially Related Crimes – November 2, 2022,**  
3 **Child Abuse Under Circumstances or Conditions Likely to Cause GBI or Death,**  
4 **Driving Under the Influence of Alcohol Causing Injury and**  
5 **Leaving the Scene of an Accident)**

6 12. Respondent is subject to disciplinary action under sections 490, 4300, and 4301,  
7 subdivision (l), in conjunction with California Code of Regulations, title 16, section 1770, on the  
8 grounds of unprofessional conduct, in that Respondent was convicted of crimes substantially  
9 related to the qualifications, functions or duties of a pharmacy technician. The facts and  
10 circumstances are as follows:

11 a. On or about November 2, 2022, Respondent was convicted of three counts, Count 1,  
12 misdemeanor violation of Penal Code section 273a(a) [child abuse under circumstances or  
13 conditions likely to cause GBI or death], Count 3, felony violation of Vehicle Code  
14 section 23153(a) [driving under the influence of alcohol causing injury], and Count 2, felony  
15 violation of Vehicle Code section 20001(a) [leaving the scene of an accident] in the criminal  
16 proceeding entitled *The People of the State of California v. Jocelyn Cortez* (Super. Ct. Santa  
17 Barbara County, 2022, No. 22CR03893). The Court sentenced Respondent to four years and  
18 eight months in prison.

19 b. The circumstances of the arrest leading to the conviction are that on or about May 28,  
20 2022, Respondent drove a vehicle while under the influence of alcohol with a front seat passenger  
21 and her two children, ages 4 and 5. Respondent's vehicle and another vehicle were in a collision  
22 in an apartment parking lot where Respondent backed her vehicle into another. Respondent drove  
23 her vehicle away from the collision and the other vehicle chased her vehicle through various city  
24 streets at high rates of speed hitting dips and flying with both vehicles running stop signs.  
25 Respondent crashed her vehicle into a concrete vehicle barrier pillar at city hall. At the second  
26 collision, Respondent's passenger fled the vehicle and a child exited Respondent's vehicle from  
27 the passenger side window and then climbed back into the vehicle. Respondent's vehicle had  
28 only one child safety seat. Respondent was observed to have bloodshot and watery eyes, slow

1 slurred speech, emit the odor of alcohol from her breath and person and blood coming from her  
2 nose Respondent informed officers that she had "not a lot" to drink and "I'm just scared, I'm  
3 scared because I have two DUI's." Respondent was unable to complete field sobriety tests as  
4 demonstrated. Respondent's blood alcohol test result was 0.20%.

5 **THIRD CAUSE FOR DISCIPLINE**

6 **(Alcohol Related Felony Conviction)**

7 13. Respondent is subject to disciplinary action under sections 4300, and 4301,  
8 subdivision (k), on the grounds of unprofessional conduct, in that on or about November 2, 2022,  
9 Respondent was convicted of a felony violation involving the use, consumption, or self-  
10 administration of alcoholic beverages. Complainant refers to and by this reference incorporates  
11 the allegations set forth above in paragraph 12, inclusive, as though set forth fully.

12 **FOURTH CAUSE FOR DISCIPLINE**

13 **(Dangerous Use of Alcohol)**

14 14. Respondent is subject to disciplinary action under sections 4300, and 4301,  
15 subdivision (h), on the grounds of unprofessional conduct, in that on or about May 28, 2022,  
16 Respondent used alcoholic beverages to the extent or in a manner as to be dangerous or injurious  
17 to herself or others. Complainant refers to and by this reference incorporates the allegations set  
18 forth above in paragraph 12, inclusive, as though set forth fully.

19 **FIFTH CAUSE FOR DISCIPLINE**

20 **(Acts Involving Moral Turpitude, Dishonesty, Fraud, Deceit, or Corruption)**

21 15. Respondent is subject to disciplinary action under sections 4300 and 4301,  
22 subdivision (f), on the grounds of unprofessional conduct, in that Respondent committed acts  
23 involving moral turpitude, dishonesty, fraud, deceit, or corruption. The facts and circumstances  
24 are as follows:

25 a. On or about March 23, 2020, Respondent committed acts of assault by means of force  
26 likely to produce great bodily injury. Complainant refers to and by this reference incorporates the  
27 allegations set forth above in paragraph 11, inclusive, as though set forth fully.

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