

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

In the Matter of the Accusation Against:

VICTOR A. OCHOA

Pharmacy Technician License No. TCH 141812

Respondent

Agency Case No. 7562

DECISION AND ORDER

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

This Decision shall become effective at 5:00 p.m. on February 1, 2024.

It is so ORDERED on January 2, 2024.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

By



Seung W. Oh, Pharm.D.
Board President

1 ROB BONTA
Attorney General of California
2 ARMANDO ZAMBRANO
Supervising Deputy Attorney General
3 BRIAN LEE
Deputy Attorney General
4 State Bar No. 253592
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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:

13 **VICTOR A. OCHOA**
14 **545 W. 110th Street**
Los Angeles, CA 90044

15 **Pharmacy Technician License No. TCH**
16 **141812**

17 Respondent.

Case No. 7562

OAH No. 2023100427

STIPULATED SURRENDER OF
LICENSE AND ORDER

18
19 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-
20 entitled proceedings that the following matters are true:

21 **PARTIES**

22 1. Anne Sodergren (Complainant) is the Executive Officer of the Board of Pharmacy
23 (Board). She brought this action solely in her official capacity and is represented in this matter by
24 Rob Bonta, Attorney General of the State of California, by Brian Lee, Deputy Attorney General.

25 2. Victor A. Ochoa (Respondent) is representing himself in this proceeding and has
26 chosen not to exercise his right to be represented by counsel.

27 3. On or about August 15, 2014, the Board issued Pharmacy Technician License No.
28 TCH 141812 to Respondent. The Pharmacy Technician License was in full force and effect at all

1 times relevant to the charges brought in Accusation No. 7562 and will expire on March 31, 2024,
2 unless renewed.

3 **JURISDICTION**

4 4. Accusation No. 7562 was filed before the Board, and is currently pending against
5 Respondent. The Accusation and all other statutorily required documents were properly served
6 on Respondent on September 21, 2023. Respondent timely filed his Notice of Defense contesting
7 the Accusation. A copy of Accusation No. 7562 is attached as Exhibit A and incorporated by
8 reference.

9 **ADVISEMENT AND WAIVERS**

10 5. Respondent has carefully read, and understands the charges and allegations in
11 Accusation No. 7562. Respondent also has carefully read, and understands the effects of this
12 Stipulated Surrender of License and Order.

13 6. Respondent is fully aware of his legal rights in this matter, including the right to a
14 hearing on the charges and allegations in the Accusation; the right to be represented by counsel, at
15 his own expense; the right to confront and cross-examine the witnesses against him; the right to
16 present evidence and to testify on his own behalf; the right to the issuance of subpoenas to compel
17 the attendance of witnesses and the production of documents; the right to reconsideration and
18 court review of an adverse decision; and all other rights accorded by the California
19 Administrative Procedure Act and other applicable laws.

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

22 **CULPABILITY**

23 8. Respondent admits the truth of each and every charge and allegation in Accusation
24 No. 7562, agrees that cause exists for discipline and hereby surrenders his Pharmacy Technician
25 License No. TCH 141812 for the Board's formal acceptance.

26 9. Respondent understands that by signing this stipulation he enables the Board to issue
27 an order accepting the surrender of his Pharmacy Technician License without further process.

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CONTINGENCY

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2 10. This stipulation shall be subject to approval by the Board. Respondent understands
3 and agrees that counsel for Complainant and the staff of the Board may communicate directly
4 with the Board regarding this stipulation and surrender, without notice to or participation by
5 Respondent. By signing the stipulation, Respondent understands and agrees that he may not
6 withdraw his agreement or seek to rescind the stipulation prior to the time the Board considers
7 and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order, the
8 Stipulated Surrender and Disciplinary Order shall be of no force or effect, except for this
9 paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not
10 be disqualified from further action by having considered this matter.

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

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

20 13. In consideration of the foregoing admissions and stipulations, the parties agree that
21 the Board may, without further notice or formal proceeding, issue and enter the following Order:

ORDER

22
23 IT IS HEREBY ORDERED that Pharmacy Technician License No. TCH 141812, issued to
24 Respondent Victor A. Ochoa, is surrendered and accepted by the Board.

25 1. The surrender of Respondent's Pharmacy Technician License and the acceptance of
26 the surrendered license by the Board shall constitute the imposition of discipline against
27 Respondent. This stipulation constitutes a record of the discipline and shall become a part of
28 Respondent's license history with the Board.

1 2. Respondent shall lose all rights and privileges as a pharmacy technician in California
2 as of the effective date of the Board's Decision and Order.

3 3. Respondent shall cause to be delivered to the Board his pocket license and, if one was
4 issued, his wall certificate on or before the effective date of the Decision and Order.

5 4. If he ever applies for licensure or petitions for reinstatement in the State of California,
6 the Board shall treat it as a new application for licensure. Respondent must comply with all the
7 laws, regulations and procedures for licensure in effect at the time the application or petition is
8 filed, and all of the charges and allegations contained in Accusation No. 7562 shall be deemed to
9 be true, correct and admitted by Respondent when the Board determines whether to grant or deny
10 the application or petition.

11 5. Respondent shall pay the agency its costs of investigation and enforcement in the
12 amount of \$4,053.75 prior to applying for a new or reinstated license. No such application shall
13 be considered until full payment is made.

14 6. If Respondent should ever apply or reapply for a new license or certification, or
15 petition for reinstatement of a license, by any other health care licensing agency in the State of
16 California, all of the charges and allegations contained in Accusation, No. 7562 shall be deemed
17 to be true, correct, and admitted by Respondent for the purpose of any Statement of Issues or any
18 other proceeding seeking to deny or restrict licensure.

19 7. Respondent may not apply, reapply, or petition for any licensure or registration of the
20 Board for three years from the effective date of the Decision and Order.

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ACCEPTANCE

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

DATED: _____
VICTOR A. OCHOA
Respondent

ENDORSEMENT

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

DATED: _____
Respectfully submitted,
ROB BONTA
Attorney General of California
ARMANDO ZAMBRANO
Supervising Deputy Attorney General

BRIAN LEE
Deputy Attorney General
Attorneys for Complainant

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DATED: _____
VICTOR A. OCHOA
Respondent

ENDORSEMENT

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

DATED: November 29, 2023 Respectfully submitted,

ROB BONTA
Attorney General of California
ARMANDO ZAMBRANO
Supervising Deputy Attorney General


BRIAN LEE
Deputy Attorney General
Attorneys for Complainant

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1 **ACCEPTANCE**

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

6
7 DATED: 11/29/23 Victor A. Ochoa
8 VICTOR A. OCHOA
9 Respondent

0
1 **ENDORSEMENT**

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

4
5 DATED: _____

6 Respectfully submitted,
7 ROB BONTA
8 Attorney General of California
9 ARMANDO ZAMBRANO
0 Supervising Deputy Attorney General

1 BRIAN LEE
2 Deputy Attorney General
3 *Attorneys for Complainant*

Exhibit A

Accusation No. 7562

1 ROB BONTA
Attorney General of California
2 THOMAS L. RINALDI
Supervising Deputy Attorney General
3 ARMANDO ZAMBRANO
Supervising Deputy Attorney General
4 State Bar No. 225325
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E-mail: Armando.Zambrano@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. 7562

13 **VICTOR A. OCHOA**
545 W. 110th Street
14 Los Angeles, CA 90044

ACCUSATION

15 **Pharmacy Technician License No.**
TCH 141812

16 Respondent.
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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 August 15, 2014, the Board issued Pharmacy Technician License
23 Number TCH 141812 to Victor A. Ochoa (Respondent). The Pharmacy Technician License was
24 in full force and effect at all times relevant to the charges brought herein and will expire on
25 March 31, 2024, 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 4300 of the Code provides, in pertinent part, that every license issued by the
6 Board is subject to discipline including suspension or revocation.

7 5. Section 4300.1 of the Code states:

8 The expiration, cancellation, forfeiture, or suspension of a board-issued license
9 by operation of law or by order or decision of the board or a court of law, the
10 placement of a license on a retired status, or the voluntary surrender of a license by a
11 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.

12 **STATUTORY PROVISIONS**

13 6. Section 822 of the Code states:

14 If a licensing agency determines that its licentiate’s ability to practice his or her
15 profession safely is impaired because the licentiate is mentally ill, or physically ill
affecting competency, the licensing agency may take action by any one of the
16 following methods:

17 (a) Revoking the licentiate’s certificate or license.

18 (b) Suspending the licentiate’s right to practice.

19 (c) Placing the licentiate on probation.

20 (d) Taking such other action in relation to the licentiate as the licensing agency
in its discretion deems proper.

21 The licensing section shall not reinstate a revoked or suspended certificate or
22 license until it has received competent evidence of the absence or control of the
23 condition which caused its action and until it is satisfied that with due regard for the
public health and safety the person’s right to practice his or her profession may be
safely reinstated.

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

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. . .

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1 **REGULATORY PROVISIONS**

2 8. California Code of Regulations, title 16, section 1770(a) states:

3 For the purpose of denial, suspension, or revocation of a personal or facility
4 license pursuant to Section 141 or Division 1.5 (commencing with Section 475) of the
5 Business and Professions Code, a crime, professional misconduct, or act shall be
6 considered substantially related to the qualifications, functions or duties of the
7 practice, profession, or occupation that may be performed under the license type
8 sought or held if to a substantial degree it evidences present or potential unfitness of
9 an applicant or licensee to perform the functions authorized by the license in a
10 manner consistent with the public health, safety, or welfare.

11 **COST RECOVERY**

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

18 **FIRST CAUSE FOR DISCIPLINE**

19 **(Mental Illness Affecting Competency to Practice Pharmacy)**

20 10. Respondent is subject to disciplinary action under Code section 822 as follows:

21 a. On or about May 8, 2019, the Board filed a Petition and Order Compelling Mental or
22 Physical Examination against Respondent. On or about July 23, 2019, the Order was served to
23 Respondent requiring him to submit to an examination conducted by a physician specializing in
24 psychiatry or by a qualified psychologist within 30 days.

25 b. Respondent was evaluated by a licensed psychiatrist on October 23, 2019. The
26 psychiatrist rendered an opinion that Respondent suffers from a mental disorder that seriously
27 impacts his ability to function as a pharmacy technician consistent with the safety and welfare of
28 the public.

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1 **SECOND CAUSE FOR DISCIPLINE**

2 **(Unprofessional Conduct)**

3 11. Respondent is subject to disciplinary action under Code section 4301(f), in
4 conjunction with California Code of Regulations, title 16, section 1770(a), in that Respondent
5 committed acts of unprofessional conduct, as follows:

6 a. On or about August 4, 2017, firefighters from the Los Angeles Fire Department were
7 dispatched to Respondent's residence regarding a structure fire. Firefighters extinguished the fire
8 and determined that it had originated in the bathroom of the residence, where a pile of
9 combustibles had been placed on the floor. Firefighters also observed numerous piles of clothing
10 throughout the house. A neighbor stated that she had observed Respondent running naked from
11 the residence while the smoke detector was going off. Respondent told the firefighters that he
12 had started the fire using hair spray and nail polish. When asked why he started the fire,
13 Respondent stated that he was trying to clean up the excessive clothing. Respondent shares the
14 residence with his father, who was at work during the incident.

15 b. On or about August 8, 2017, the Los Angeles County District Attorney's Office filed
16 a complaint against Respondent charging him with one misdemeanor count of violating Penal
17 Code section 452(b) [recklessly causing fire to inhabited structure] in the criminal proceeding
18 entitled *The People of the State of California v. Victor Angel Ochoa* (Super Ct. Los Angeles
19 County, 2017, No. 7CS03499).

20 c. On or about August 9, 2017, Respondent's defense attorney in Case No. 7CS03499
21 declared a doubt as to Respondent's mental competence. Criminal proceedings were suspended,
22 and the court ordered a mental competence examination of Respondent pursuant to Penal Code
23 section 1368.

24 d. On or about July 16, 2018, the court found that Respondent's mental competence had
25 not been restored. The court further found that Respondent's maximum confinement time was
26 through July 16, 2018.

27 e. On or about July 17, 2018, the court dismissed Case No. 7CS03499 in the furtherance
28 of justice pursuant to Penal Code section 1385.

1 f. On or about August 16, 2018, the Board sent an inquiry letter to Respondent
2 requesting a written explanation of his arrest relating to Case No. 7CS03499.

3 g. On or about September 10, 2018, the Board received a written and signed response
4 from Respondent, in which he stated that he caused a fire, spent about a month in jail and the
5 remainder of the time until July 17, 2018 in a Misdemeanor Incompetent to Stand Trial (MIST)
6 program. Respondent further stated that he was seeing a doctor and therapist at Augustus
7 Hawkins, a mental health center in Los Angeles County. Included with his response was a letter
8 from the program coordinator of the Office of Diversion and Reentry in the Los Angeles County
9 Department of Health Services. In the letter, dated September 15, 2017, the program coordinator
10 stated that on August 23, 2017, Respondent was found incompetent to stand trial pursuant to
11 Penal Code section 1370.01; that Respondent was diagnosed with mental disorders; and that he
12 was currently prescribed medications. Also included with Respondent's response was a letter
13 from the operations supervisor at HealthRIGHT 360, a provider of mental and behavioral health
14 services, verifying that Respondent entered into the MIST program on September 19, 2017 and
15 was released from the program on July 17, 2018.

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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 License Number TCH 141812, issued to Victor A. Ochoa; and
2. Ordering Victor A. Ochoa 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: 9/13/2023

Sodergren, Digitally signed by
Anne@DCA Sodergren, Anne@DCA
Date: 2023.09.13
17:33:08 -07'00'

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

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