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

In the Matter of the Accusation Against:

**VALERIE MORA
25879 Via Zurita Ct.
Moreno Valley, CA 92551**

**Pharmacy Technician Registration No. TCH
193291**

Respondent.

Case No. 7744

DEFAULT DECISION AND ORDER

[Gov. Code, §11520]

FINDINGS OF FACT

1. On or about April 15, 2024, Complainant Anne Sodergren, in her official capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs, filed Accusation No. 7744 against Valerie Mora (Respondent) before the Board of Pharmacy. (Accusation attached as Exhibit A.)
2. On or about June 1, 2023, the Board of Pharmacy (Board) issued Pharmacy Technician Registration No. TCH 193291 to Respondent. The Pharmacy Technician Registration was in full force and effect at all times relevant to the charges brought in Accusation No. 7744 and will expire on November 30, 2024, unless renewed.

1 3. On or about April 19, 2024, Respondent was served by Certified and First Class Mail
2 copies of the Accusation No. 7744, 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: 25879 Via Zurita Ct., Moreno Valley, CA 92551.

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

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

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

15 6. The Board takes official notice of its records and the fact that Respondent failed to
16 file a Notice of Defense within 15 days after service upon her of the Accusation, and therefore
17 waived her right to a hearing on the merits of Accusation No. 7744.

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

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

23 8. Pursuant to its authority under Government Code section 11520, the Board finds
24 Respondent is in default. The Board will take action without further hearing and, based on the
25 relevant evidence contained in the Default Decision Investigatory Evidence Packet in this matter,
26 finds that the charges and allegations in Accusation No. 7744, are separately and severally, found
27 to be true and correct by clear and convincing evidence.

28 9. The Board finds that the actual costs for Investigation and Enforcement are
\$2,605.00.

1 **DETERMINATION OF ISSUES**

2 1. Based on the foregoing findings of fact, Respondent Valerie Mora has subjected her
3 Pharmacy Technician Registration No. TCH 193291 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. Respondent is subject to disciplinary action under Code section 4301, subdivision (l),
9 and California Code of Regulations, title 16, section 1770, subdivision (c)(5) because Respondent
10 was convicted of a crime that is substantially related to the qualifications, duties, or functions of a
11 pharmacy technician.

12 b. Respondent is subject to disciplinary action under Code section 4301, subdivision (h)
13 because on July 5, 2023, Respondent consumed alcohol in a manner that was dangerous or
14 injurious to herself or others when she drove a vehicle while under the influence of alcohol.

15 **ORDER**

16 IT IS SO ORDERED that Pharmacy Technician Registration No. TCH 193291, issued to
17 Respondent Valerie Mora, is revoked.

18 Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a
19 written motion requesting that the Decision be vacated and stating the grounds relied on within
20 seven (7) days after service of the Decision on Respondent. The agency in its discretion may
21 vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

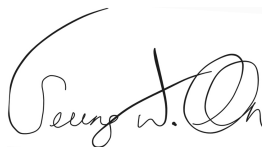
22 This Decision shall become effective at 5:00 p.m. on August 1, 2024.

23 It is so ORDERED on July 2, 2024.

24 FOR THE BOARD OF PHARMACY
25 DEPARTMENT OF CONSUMER AFFAIRS

26 84537122.DOCX
27 DOJ Matter ID:SD2024800449
28 Attachment:
Exhibit A: Accusation

By



Seung W. Oh, Pharm.D., Board President

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

13 In the Matter of the Accusation Against:

Case No. 7744

14 **VALERIE MORA**
15 **25879 Via Zurita Ct.**
Moreno Valley, CA 92551

ACCUSATION

16 **Pharmacy Technician License No. TCH**
17 **193291**

Respondent.

18
19
20 **PARTIES**

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

23 2. On or about June 1, 2023, the Board issued Pharmacy Technician License Number
24 TCH 193291 to Valerie Mora (Respondent). The Pharmacy Technician License was in full force
25 and effect at all times relevant to the charges brought herein and will expire on November 30,
26 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, subdivision (a), provides that every license issued by the Board may be
6 suspended or revoked.

7 5. Code section 4300.1 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 placement
10 of a license on a retired status, or the voluntary surrender of a license by a licensee shall
11 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 4301 of the Code states:

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

16 . . .

17 (h) The administering to oneself, of any controlled substance, or the use of any
18 dangerous drug or of alcoholic beverages to the extent or in a manner as to be
19 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.

20 . . .

21 (l) The conviction of a crime substantially related to the qualifications,
22 functions, and duties of a licensee under this chapter. The record of conviction of a
23 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
24 state regulating controlled substances or dangerous drugs shall be conclusive
evidence of unprofessional conduct. In all other cases, the record of conviction shall
25 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
26 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
27 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
28 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

1 suspending the imposition of sentence, irrespective of a subsequent order under
2 Section 1203.4 of the Penal Code allowing the person to withdraw their plea of guilty
3 and to enter a plea of not guilty, or setting aside the verdict of guilty, or dismissing
4 the accusation, information, or indictment.

5

6 **REGULATORY PROVISIONS**

7 7. California Code of Regulations, title 16, section 1769, subdivision (c), states:

8 When considering the suspension or revocation of a facility or a personal
9 license on the ground that the licensee has been convicted of a crime, the board will
10 consider whether the licensee made a showing of rehabilitation and is presently fit for
11 a license, if the licensee completed the criminal sentence at issue without a violation
12 of parole or probation. In making this determination, the board will consider the
13 criteria in subdivisions (b)(1)(A) through (E). If the licensee has not completed the
14 criminal sentence at issue without a violation of parole or probation or the board
15 determines that the licensee did not make the showing of rehabilitation based on the
16 criteria in subdivisions (b)(1)(A) through (E), the board will apply the following
17 criteria in evaluating the licensee's rehabilitation:

- 18 (1) Nature and gravity of the act(s) or offenses.
- 19 (2) Total criminal record.
- 20 (3) The time that has elapsed since commission of the act(s) or offenses.
- 21 (4) Whether the licensee has complied with all terms of parole, probation,
22 restitution or any other sanctions lawfully imposed against the licensee.
- 23 (5) The criteria in subdivisions (b)(1)(A) through (E), as applicable.
- 24 (6) Evidence, if any, of rehabilitation submitted by the licensee, including as
25 provided in the board's Disciplinary Guidelines, identified in section 1760.

26 8. California Code of Regulations, title 16, section 1770, states:

27 (a) For the purpose of denial, suspension, or revocation of a personal or facility
28 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.

(b) In making the substantial relationship determination required under
subdivision (a) for a crime, the board will consider the following criteria:

- (1) The nature and gravity of the offense;
- (2) The number of years elapsed since the date of the offense; and
- (3) The nature and duties of the practice, profession, or occupation that may

1 be performed under the license type sought or held.

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

4

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

6 **COST RECOVERY**

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

13 **FACTUAL ALLEGATIONS**

14 10. In a matter entitled *The People of the State of California v. Valerie Mora*, Riverside
15 County Superior Court case number RIM2307340, Respondent was charged with violating
16 Vehicle Code section 23152, subdivision (a) (driving under the influence) [Count 1] and Vehicle
17 Code section 23152, subdivision (b) (driving under the influence with 0.08 blood alcohol content
18 (BAC) or more) [Count 2] with an enhancement of Vehicle Code section 23578 (driving with a
19 BAC of 0.15 or more). On October 25, 2023, Respondent was convicted on her plea of guilty to
20 Count 2 with enhancement and was sentenced to summary probation for a term of 36 months. The
21 terms of Respondent's probation require her to enroll in and complete a First Offender Impaired
22 Driver Program, not to drive with any measurable amount of alcohol in her blood, and to pay
23 fines and fees. The remaining charge was dismissed in the interest of justice. The facts underlying
24 the conviction are as follows:

25 11. On July 5, 2023, at 1:10 a.m., Respondent was stopped by California Highway Patrol
26 (CHP) officers while travelling on the Cajalco Expressway, east of Harvill Ave. During the initial
27 contact the responding officer observed that Respondent displayed red, watery eyes, slurred
28 speech, and unsteady gait. The responding officer also detected a strong alcoholic odor emanating
from Respondent. During questioning, Respondent admitted to consuming alcohol and feeling the

1 effects of the alcohol prior to driving. Respondent displayed symptoms of intoxication and was
2 unable to correctly perform standardized field sobriety tests. Respondent submitted to a chemical
3 breath test which yielded BAC results of 0.27% at 2:09 a.m., and 0.26% at 2:11 a.m. Respondent
4 was then arrested and booked into the Robert Presley Detention Center.

5 **FIRST CAUSE FOR DISCIPLINE**

6 **(Unprofessional Conduct - October 25, 2023 Conviction for July 5, 2023 DUI)**

7 12. Respondent is subject to disciplinary action under Code section 4301, subdivision (I),
8 and California Code of Regulations, title 16, section 1770, subdivision (c)(5) because Respondent
9 was convicted of a crime that is substantially related to the qualifications, duties, or functions of a
10 pharmacy technician. Complainant refers to, and by this reference incorporates, the allegations set
11 forth in paragraphs 10 and 11, as through fully set forth herein.

12 **SECOND CAUSE FOR DISCIPLINE**

13 **(Unprofessional Conduct - Use of Alcohol in Dangerous Manner)**

14 13. Respondent is subject to disciplinary action under Code section 4301, subdivision (h)
15 because on July 5, 2023, Respondent consumed alcohol in a manner that was dangerous or
16 injurious to herself or others when she drove a vehicle while under the influence of alcohol.
17 Complainant refers to, and by this reference incorporates, the allegations set forth in paragraphs
18 10 and 11, as through fully set forth herein.

19 **PRAYER**

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

22 1. Revoking or suspending Pharmacy Technician License Number TCH 193291, issued
23 to Respondent Valerie Mora;

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2. Ordering Respondent Valerie Mora 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, if placed on probation, the costs of probation monitoring; and,

3. Taking such other and further action as deemed necessary and proper.

DATED: 4/15/2024

Sodergren,
Anne@DCA
Digitally signed by
Sodergren, Anne@DCA
Date: 2024.04.15
19:17:02 -07'00'

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

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