

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

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

**TRACI MONCRIEF,**

**Pharmacy Technician Registration No. TCH 96971,**

**Respondent.**

**Agency Case No. 7814**

**OAH No. 2024120382**

**DECISION AFTER REJECTION**

Julie Cabos Owen, Administrative Law Judge (ALJ), Office of Administrative Hearings (OAH), State of California, heard this matter by videoconference on March 6, 2025.

Anne Sodergren (Complainant) was represented by Deputy Attorney General Blaine A. Noblett. Traci Moncrief (Respondent) represented herself.

Testimony and documents were received in evidence. The record closed and the matter was submitted for decision on March 6, 2025.

The ALJ issued a Proposed Decision on April 2, 2025. On July 7, 2025, pursuant to section 11517 of the Government Code, the California State Board of Pharmacy

(Board) issued an Order rejecting the Proposed Decision. The Board ordered and subsequently received the transcripts and administrative record of the hearing, and thereafter issued an Order setting October 18, 2025, as the date for the submission of written argument with no new evidence allowed to be presented. Respondent timely filed written argument; no written argument was submitted on behalf of Complainant.

The Board, having reviewed and considered the entire record, including the transcript and exhibits and written argument submitted by Respondent, now issues this Decision After Rejection. As set forth herein, the Board agrees that the discipline imposed by the ALJ is supported by the facts and finds the ALJ's reasoning otherwise sound and persuasive. However, the Board has determined that certain modifications to the Proposed Decision are warranted for consistency with the Board's Disciplinary Guidelines and to correct certain nonprejudicial errors and omissions that the Board noted in the Proposed Decision.

## **FACTUAL FINDINGS**

### **Jurisdictional Matters**

1. On December 23, 2009, the Board issued Pharmacy Technician Registration Number TCH 96971 to Respondent. As of the hearing date, her Pharmacy Technician Registration (license) was scheduled to expire on May 31, 2025. The Board takes official notice of its records and notes that as of the issuance of this Decision After Rejection, her license is scheduled to expire on May 31, 2027.

2. On August 16, 2024, Complainant filed the Accusation while acting in her official capacity as Executive Officer of the Board, Department of Consumer Affairs.

3. Respondent timely filed a Notice of Defense requesting a hearing.

### **Respondent's 2023 Criminal Conviction**

4. On January 19, 2023, Respondent was convicted on her nolo contendere plea of violating Vehicle Code section 23152, subdivision (b) (driving under the influence [DUI] with a blood alcohol content [BAC] of 0.08 percent or higher), a misdemeanor. (Super. Ct. Los Angeles County, 2022, No. 2MN02721.)

5. The court placed Respondent on summary probation for 60 months and ordered her to serve 15 days in jail, with credit for one day served. The court also ordered Respondent to complete an 18-month second offender DUI program and to pay \$2,003 in fines and fees and restitution to the victim. Respondent was also ordered to refrain from driving with any measurable amount of alcohol in her blood and to install an ignition interlock device on her vehicle. Respondent's probation is scheduled to expire January 23, 2029.

6. The circumstances surrounding Respondent's 2023 criminal conviction are as follows: While Respondent was driving on May 18, 2022, her vehicle swerved and struck another vehicle. When California Highway Patrol (CHP) officers arrived at the collision scene, Respondent appeared disoriented and confused about how the traffic collision occurred. A CHP officer observed Respondent's breath smelled of alcohol, her speech was slurred, and she had red, watery eyes. When asked for her vehicle registration and insurance information, Respondent opened her vehicle's glove compartment which contained a half-empty bottle of tequila. Respondent admitted drinking only one cocktail at a bar that evening. After exiting her vehicle, Respondent had an unsteady gait and failed field sobriety tests. Upon her arrest, Respondent refused to submit a breath or blood sample. Officers obtained a search warrant to obtain her

blood sample, which revealed her BAC of 0.22 percent.

### **Substantial Relationship of Respondent's Crime to Her Profession**

7. Louisa Tsoi, Pharm.D., testified on Complainant's behalf. Dr. Tsoi is a California-licensed pharmacist, and she has been an inspector for the Board for over seven years. The ALJ found that Dr. Tsoi testified in a sincere manner, and she presented as a credible witness. The ALJ further found that her credible testimony established Factual Findings 8 and 9, below.

8. In their licensed profession, pharmacy technicians are responsible for filling prescriptions for dangerous drugs and controlled substances. Pharmacy technicians also have access to confidential patient information, including financial information and medical information. Given their access to drugs and confidential information, pharmacy technicians must be honest and trustworthy and must have good judgment. They must not be under the influence of any substance and must be able to fill prescriptions correctly to avoid patient harm.

9. Driving under the influence of alcohol demonstrates a lapse in good judgment and indicates a willingness to put the public at risk. Consequently, Respondent's alcohol-related criminal conviction demonstrates Respondent's potential unfitness to perform her licensed functions in a manner consistent with the public health, safety, and welfare. Therefore, her 2023 criminal conviction is substantially related to the qualifications, functions, and duties of a pharmacy technician.

### **Respondent's Prior and Subsequent DUIs**

10. Respondent's 2023 DUI conviction was not her first. On December 14,

2018, Respondent sustained a DUI conviction that arose from her driving under the influence of alcohol on April 11, 2018. On July 1, 2021, the criminal court dismissed Respondent's 2018 criminal conviction pursuant to Penal Code section 1203.4.

11. In 2022, less than a year after Respondent obtained expungement of her 2018 DUI, she again drove under the influence of alcohol and sustained her 2023 DUI conviction.

12. Despite being on criminal probation following her 2023 DUI conviction, and despite completing the 18-month second offender DUI program in June 2024, Respondent again drove under the influence of alcohol and was arrested in June 2024. As of the hearing date, Respondent faced misdemeanor charges in a pending criminal case arising from that arrest.

### **Respondent's Evidence at Hearing**

13. The ALJ found that Respondent testified at the administrative hearing in a respectful and forthright manner. The ALJ further found that she presented as a credible witness. Her testimony is summarized in Factual Findings 14 through 33 below.

14. Respondent understands the gravity of her actions that gave rise to this case, and she takes full responsibility for her misconduct.

15. Respondent noted she has been a dedicated pharmacy technician for 15 years but has faced significant personal challenges. She spent her life "trying to be there for others and the person people can rely on, but neglected to take care of [her]self." Instead, she convinced herself she was "fine," and "kept trying to push forward without trying to understand the patterns," and ignoring her "deeper wounds." Her "devastating mistake" of sustaining her third DUI arrest in 2024 forced

her to confront “the unresolved pain and struggles [she] had been running from and the patterns [she] had been repeating.” She could no longer “pretend [she was] okay.”

16. Respondent now understands “true healing cannot be done alone.” Since October 2024, Respondent has taken strides toward recovery, and she is committed to her sobriety, which involves abstinence as well as working on healing and self-reflection. Respondent noted that, despite her progress, she understands she “cannot ignore the serious mistakes that brought [her] to this moment.”

17. Although Respondent completed the court-ordered 18-month alcohol rehabilitation program in June 2024, she learned very little. She felt the court-ordered program was not as “hands on” as her current recovery program, recalling that it consisted of “a few classes where [the group] watched videos” and group therapy once every other week where the participants talked “about their week and not tapping into a personal level.”

18. Respondent’s stated sobriety date is October 19, 2024.

19. Since November 7, 2024, Respondent has been voluntarily participating in Kaiser Permanente’s Department of Addiction Medicine Outpatient Treatment Program. Respondent’s treatment plan consists of participating in recovery groups, attending a 30-week Early Recovery Series, and undergoing individual therapy sessions every week.

20. Respondent has completed several Early Recovery classes and finds them “way more personal and meaningful than the court[-ordered] program.” She also tested negative on random urine tests. Respondent attends individual therapy sessions weekly.

21. Since at least July 2, 2024, Respondent has voluntarily attended Alcoholics Anonymous (AA) meetings. However, she is not going through the 12 steps,

and she does not have a sponsor.

22. Since December 27, 2024, Respondent has submitted to court-ordered alcohol monitoring as a pretrial requirement for her pending criminal case. Respondent must blow into a testing device five times per day. Respondent had one positive test on December 31, 2024. Respondent explained "It could be a mis-fire or if you use mouthwash, which [she doesn't] use anymore."

23. To maintain her sobriety, Respondent is continuing her outpatient classes and group meetings, and she is attending therapy to "talk it out" and "deal with past issues." Her support network includes her recovery programs and therapist, her mother, and her children.

24. Respondent understands "sobriety is not just about not drinking," but includes "taking responsibility," "breaking an unhealthy cycle," and "finding strength to heal." She now knows she does "not have to do it alone and no longer want[s] to."

25. Respondent assured the Board she is "not the same person [she] was when [she] made those mistakes." She is determined to be a better mother and professional and better version of [her]self." She hopes to continue contributing positively to the field of pharmacy.

26. Respondent has completed one semester (Fall 2024) of college classes, and she earned grades which placed her on the Dean's List. She is currently attending Spring semester classes.

27. Respondent is a single parent and sole provider for her two children. She noted that her teenage daughter is struggling to deal with a father in prison, and she strives to "stand beside her." Her son has "worked hard to get back on track academically after suffering during COVID, and he is now on the honor roll."

28. Respondent has been employed by CVS as a pharmacy technician since 2008. She started working full-time and was promoted to lead technician in 2012. After starting another full-time job, Respondent transitioned to part-time work with CVS in 2022.

29. In 2021, Respondent began working full-time as a specialty pharmacy technician at Boston Medical Center which was absorbed by City of Hope in 2023.

30. Respondent currently works full-time (40 hours) at City of Hope and part-time (13 hours) at CVS.

31. In February 2025, the manager of City of Hope's specialty pharmacy offered Respondent a promotion to Pharmacy Technician III. In his written offer, the manager noted, "This promotion is supported by your hard work and dedication to our staff and is part of our ongoing commitment to advance team members." (Exhibit G.) Respondent accepted the position and is undergoing preceptor training to complete her eligibility for promotion.

32. Respondent has the support of her supervisors and colleagues who submitted reference letters on her behalf, attesting to her competence and dedication. Cheng Chang, Respondent's current CVS pharmacy manager; Peter La Firenza, a CVS store manager; Lina Huynh, a City of Hope Pharmacy Technician III; and Dalin Wu, a City of Hope clinical pharmacist, collectively described Respondent as reliable, diligent, dedicated, professional, organized, compassionate, and indispensable in her work as a pharmacy technician.

33. All the individuals who submitted letters are aware of Respondent's DUI arrests, including her most recent arrest in June 2024.

## **Costs**

34. Complainant submitted a Certification of Prosecution Costs/Declaration of Blane A. Noblett, certifying that the Department of Justice, Office of the Attorney General billed the Board \$6,169.75 for legal services provided through March 4, 2025.

35. The evidence established that Complainant incurred total prosecution costs of \$6,169.75.

36. Respondent currently earns about \$3,600 per month. She supports herself and her two children. Respondent's expenses include rent (\$925), past due bills (about \$1,000), water and electricity (\$200), gas (\$200), phone (\$350) groceries (\$600), vehicle insurance (\$200), and a car payment (\$456). Respondent does not believe she could afford to pay the Board's \$6,169.75 in prosecution costs.

## **LEGAL CONCLUSIONS**

1. The main purpose of administrative disciplinary proceedings is to protect the public through prevention of future harm and the improvement and rehabilitation of the licensee. (*Ettinger v. Bd. of Medical Quality Assurance* (1982) 135 Cal.App.3d 853.)

2. In determining the proper standard of proof to apply in administrative disciplinary proceedings, courts have drawn a distinction between professional licenses requiring extensive educational requirements such as those held by doctors and dentists, and nonprofessional licenses, which typically require less educational and testing requirements. In proceedings involving a professional license, the standard of proof is clear and convincing evidence, while in disciplinary proceedings involving a nonprofessional or occupational license, the standard of proof is preponderance of the evidence. (*Lone Star Sec. & Video, Inc. v. Bur. Of Security and Investigative Services* (2012) 209 Cal.App.4th 445, 453.)

3. Business and Professions Code section 4038 defines a "pharmacy technician" as "an individual who assists a pharmacist in a pharmacy in the performance of his or her pharmacy related duties, as specified in section 4115." Business and Professions Code section 4115 sets forth various tasks a pharmacy technician may perform. For example, subdivision (a) provides "a pharmacy technician may perform packaging, manipulative, repetitive, or other nondiscretionary tasks, only while assisting, and while under the direct supervision and control of, a pharmacist." Further, Business and Professions Code section 4202, subdivision (a), provides that a pharmacy technician license may be issued upon a showing of a minimal level of formal education, training, and experience. Thus, a pharmacy technician license is best understood to be a nonprofessional or vocational license and the preponderance of the evidence standard applies.

4. As the moving party, Complainant bears the burden of proof. (Evid. Code, § 115.)

5. Business and Professions Code section 4301 requires the Board to impose discipline on any pharmacy licensee who is guilty of unprofessional conduct. Unprofessional conduct includes:

(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. [¶] . . . [¶]

(j) The conviction of a crime substantially related to the

qualifications, functions, and duties of a licensee under this chapter .....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.

6. California Code of Regulations, title 16, section 1770 provides:

(a) For the purpose of denial, suspension, or revocation of a . . . license . . . a crime, professional misconduct, or act shall be considered substantially related to the qualifications, functions or duties of the [licensed] practice, profession, or occupation . . . 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 be performed under the license type sought or held.

(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.

7. The ALJ found, and the Board agrees, that cause exists to discipline Respondent's pharmacy technician license, pursuant to Business and Professions Code sections 490 and 4301, subdivision (j), and California Code of Regulations, title 16, section 1770, on the grounds that Respondent has been convicted of a crime which is substantially related to the qualifications, functions, and duties of a pharmacy technician, as set forth in Factual Findings 4 through 9, and Legal Conclusions 5 and 6.

8. The ALJ further found, and the Board agrees, that cause exists to discipline Respondent's pharmacy technician license, pursuant to Business and Professions Code section 4301, subdivision (h), for the use of alcoholic beverages to the extent or in a manner as to be dangerous to herself and the public, as set forth in Factual Findings 4 through 9.

9. Pursuant to the Board's Disciplinary Guidelines, in determining the appropriate discipline in a case, factors such as the following should be considered: (1) actual or potential harm to the public; (2) actual or potential harm to any consumer; (3) prior disciplinary record, including level of compliance with disciplinary order(s); (4) prior warning(s), including but not limited to citation(s) and fine(s), letter(s) of admonishment, and/or correction notice(s); (5) number and/or variety of current violations; (6) nature and severity of the act(s), offense(s) or crime(s) under consideration; (7) aggravating evidence; (8) mitigating evidence; (9) rehabilitation evidence; (10) compliance with terms of any criminal sentence, parole, or probation; (11) overall criminal record; (12) if applicable, evidence of proceedings for case being set aside and dismissed pursuant to Section 1203.4 of the Penal Code; (13) time passed since the act(s) or offense(s); (14) whether the conduct was intentional, negligent, or demonstrated incompetence; (15) financial benefit to the respondent from the misconduct; (16) other licenses held by the respondent and license history of those licenses; (17) Uniform Standards Regarding Substance-Abusing Healing Arts Licensees; and (18) if the respondent is being held accountable for conduct committed by another, whether the respondent had knowledge of or knowingly participated in such conduct.

10. Respondent's drunk driving in May 2022 is concerning, as she placed the public at risk. Additionally, Respondent had sustained a prior DUI conviction in 2018, although that was dismissed in 2021 pursuant to Penal Code section 1203.4. More concerning is that, while on criminal probation, Respondent incurred another DUI

arrest in June 2024. Nevertheless, Respondent has established some notable rehabilitation.

11. Respondent expressed remorse for her violations and accepted full responsibility for her misconduct. Remorse for one's conduct and the acceptance of responsibility are the cornerstones of rehabilitation. (See *In the Matter of Brown* (1993) 2 Cal. State Bar Ct. Rptr. 309.) Fully acknowledging the wrongfulness of past actions is an essential step towards rehabilitation. (See *Seide v. Committee of Bar Examiners* (1989) 49 Cal.3d 933; *In the Matter of Brown, supra*.)

12. However, remorse alone does not demonstrate rehabilitation. A truer indication of rehabilitation is sustained conduct over an extended time. (*In re Menna* (1995) 11 Cal.4th 975, 991.) Respondent has a 15-year history of licensure and employment without patient or employer complaint. Nevertheless, given Respondent's two alcohol-related driving convictions five years apart, and her recent 2024 arrest while still on criminal probation, she presents a risk of recidivism.

13. However, since Respondent's most recent DUI arrest in June 2024, she has made significant efforts toward rehabilitation. She has voluntarily participated in Kaiser's Outpatient Treatment Program by attending Early Recovery classes and undergoing weekly individual therapy sessions. She also voluntarily attends AA meetings. Respondent is committed to her sobriety, and she is dedicated to being a good provider for her children.

14. Respondent has also taken steps to move forward academically and professionally. She completed Fall semester college classes, was on the Dean's List, and is currently attending Spring semester classes. Respondent has also accepted a promotion to Pharmacy Technician III at work, and she is undergoing preceptor training to complete her eligibility for that position.

15. Respondent has the support of her supervisors and colleagues who attested to Respondent's dependability and professionalism in the work setting for many years. Character references from employers, supervisors, colleagues, and associates familiar with Respondent's work practices are given careful consideration. (See *Werner v. State Bar of Cal.* (1954) 42 Cal.2d 187, 196-197, and *Preston v. State Bar of Cal.* (1946) 28 Cal.2d 643, 650-651.)

16. Administrative actions regarding a state-issued license are not for the primary purpose of punishing an individual. (*Camacho v. Youde* (1979) 95 Cal.App.3d 161, 165.) Rather, in issuing and disciplining licenses, a state agency is primarily concerned with protection of the public, maintaining the integrity and high standards of the profession, and preserving public confidence in licensure. (*Ibid*; see also *Fahmy v. Medical Bd. of California* (1995) 38 Cal.App.4th 810, 817.)

17. Given Respondent's sincere expression of remorse and acceptance of responsibility for her misconduct, and considering the support of her supervisors and colleagues, the ALJ determined, and the Board agrees, that Respondent has established she is sufficiently rehabilitated such that revocation of her license would be unduly harsh discipline. A period of oversight with probationary terms is appropriate to protect the public health, safety, and welfare.

18. Pursuant to Business and Professions Code section 125.3, Complainant is entitled to recover the reasonable costs incurred in the investigation and prosecution of this matter. In *Zuckerman v. State Board of Chiropractic Examiners* (2002) 29 Cal.4th 32 (*Zuckerman*), the Supreme Court set forth factors to consider in determining the reasonableness of costs. These factors include: (1) the licentiate's success in getting the charges dismissed or the severity of the discipline imposed reduced; (2) the licentiate's subjective good faith belief in the merits of his or her position; (3) whether

the licentiate raised a colorable challenge to the proposed discipline; (4) the licentiate's financial ability to pay; and (5) whether the scope of the investigation was appropriate in light of the alleged misconduct.

19. The ALJ applied the *Zuckerman* factors to this case as follows: (1) Because both causes for discipline were established, Respondent was unsuccessful in getting charges dismissed, but she established sufficient rehabilitation to warrant reduction of the severity of discipline. (2) Respondent established a good faith belief in her argument for continued licensure, albeit with revocation stayed and probationary oversight. (3) Respondent did not raise a justifiable challenge to the proposed discipline of revocation, but she was able to challenge outright revocation and obtain the reduced discipline of probation. (4) Respondent's income and expenses are such that she would be unable to pay all the Board's prosecution costs. (5) The scope of the Board's investigation was appropriate given the alleged misconduct and the complexity of the subject matter. Considering all the *Zuckerman* factors, the ALJ found there is a basis for reducing the award of Complainant's reasonable costs by 50 percent, and ruled that Respondent shall pay the Board the reasonable costs for investigation and enforcement totaling \$3,084.88. Under Business and Professions Code section 125.3, only an ALJ can order costs to be paid. Accordingly, costs of \$3,084.88 ordered by the ALJ are imposed.

## **ORDER**

Pharmacy Technician Registration Number TCH 96971, issued to Respondent Traci Moncrief, is revoked. However, the revocation is stayed, and Respondent is placed on probation for five years upon the following terms and conditions:

It is further ordered that any new license(s) issued while Respondent remains on probation shall also be placed on probation subject to the same terms and

conditions applicable to Respondent's pharmacy technician registration.

1. **OBEY ALL LAWS**

Respondent shall obey all state and federal laws and regulations.

Respondent shall report any of the following occurrences to the Board, in writing, within 72 hours of such occurrence:

(1) an arrest or issuance of a criminal complaint, information, or indictment for violation of any state and federal laws.

(2) a plea of guilty, or nolo contendere, no contest, or similar, in any state or federal criminal proceeding to any criminal complaint, information, or indictment.

(3) a conviction of any crime.

(4) the filing of a disciplinary pleading, issuance of a citation, or initiation of another administrative action filed by any state or federal agency.

Failure to timely report such occurrence shall be considered a violation of probation.

2. **REPORT TO THE BOARD**

Respondent shall report to the Board quarterly, on a schedule as directed by the Board. The report shall be made either in person or in writing, as directed. Among other requirements, Respondent shall state in each report under penalty of perjury whether there has been compliance with all the terms and conditions of probation.

Failure to submit timely reports in a form as directed shall be considered a violation of probation. Any period(s) of delinquency in submission of reports as

directed may be added to the total period of probation. Moreover, if the final probation report is not made as directed, probation shall be automatically extended until such time as the final report is made and accepted by the Board.

**3. INTERVIEW WITH THE BOARD**

Upon receipt of reasonable prior notice, Respondent shall participate as directed for interviews with the Board, at such intervals and locations as are determined by the Board. Failure to appear for any scheduled interview without prior notification to Board staff, or failure to appear for two or more scheduled interviews with the Board during the period of probation, shall be considered a violation of probation.

**4. COOPERATE WITH BOARD STAFF**

Respondent shall timely cooperate with the Board's inspection program and with the Board's monitoring and investigation of Respondent's compliance with the terms and conditions of her probation, including but not limited to: timely responses to requests for information by Board staff; timely compliance with directives from Board staff regarding requirements of any term or condition of probation; and timely completion of documentation pertaining to a term or condition of probation. Failure to timely cooperate shall be considered a violation of probation.

**5. REPORTING OF EMPLOYMENT AND NOTICE TO EMPLOYERS**

During the period of probation, Respondent shall notify all present and prospective employers of this Decision (Case number 7814; OAH Number 2024120382) and the terms, conditions and restrictions imposed on Respondent by this Decision, as follows:

Within 30 days of the effective date of this Decision, and within 10 days of undertaking any new employment, Respondent shall report to the Board in writing the

name, physical address, and mailing address of each of her employer(s), and the name(s), telephone number(s), and email address(es) of all of her direct supervisor(s), as well as any pharmacist(s)-in-charge, designated representative(s)-in-charge, responsible manager, or other compliance supervisor(s) and the work schedule, if known. Respondent shall also include the reason(s) for leaving the prior employment, and the last day worked. Respondent shall sign and return to the Board a written consent authorizing the Board to communicate with all of Respondent's employer(s) and supervisor(s) and authorizing those employer(s) or supervisor(s) to communicate with the Board concerning Respondent's work status, performance, and monitoring. Failure to comply with the requirements or deadlines of this condition shall be considered a violation of probation.

Within 30 days of the effective date of this Decision, and within 15 days of Respondent undertaking any new employment, Respondent shall cause (a) her direct supervisor, (b) her pharmacist-in-charge, designated representative-in-charge, responsible manager, or other compliance supervisor, and (c) the owner or owner representative of her employer, to report to the Board in writing acknowledging that the listed individual(s) has/have read this Decision (Case number 7814; OAH Number 2024120382), and the terms and conditions imposed thereby. If one person serves in more than one role described in (a), (b), or (c), the acknowledgment shall so state. It shall be the Respondent's responsibility to ensure that these acknowledgment(s) are timely submitted to the Board. In the event of a change in the person(s) serving the role(s) described in (a), (b), or (c) during the term of probation, Respondent shall cause the person(s) taking over the role(s) to report to the Board in writing within 15 days of the change acknowledging that they have read this Decision (Case number 7814; OAH Number 2024120382), and the terms and conditions imposed thereby.

If Respondent works for or is employed by or through an employment service,

Respondent must notify the person(s) described in (a), (b), and (c) above at every entity licensed by the Board of this Decision (Case number 7814; OAH Number 2024120382), and the terms and conditions imposed thereby in advance of Respondent commencing work at such licensed entity. A record of this notification must be provided to the Board upon request.

Furthermore, within 30 days of the effective date of this Decision, and within 15 days of Respondent undertaking any new employment by or through an employment service, Respondent shall cause the person(s) described in (a), (b), and (c) above at the employment service to report to the Board in writing acknowledging that they have read this Decision (Case number 7814; OAH Number 2024120382), and the terms and conditions imposed thereby. It shall be Respondent's responsibility to ensure that these acknowledgment(s) are timely submitted to the Board.

Failure to timely notify present or prospective employer(s) or failure to cause the identified person(s) with that/those employer(s) to submit timely written acknowledgments to the Board shall be considered a violation of probation.

"Employment" within the meaning of this provision includes any full-time, part-time, temporary, relief, or employment/management service position as a pharmacy technician, or any position for which a pharmacy technician registration is a requirement or criterion for employment, whether Respondent is an employee, independent contractor, or volunteer.

**6. NOTIFICATION OF CHANGE(S) IN NAME, ADDRESS(ES), OR PHONE NUMBER(S)**

Respondent shall further notify the Board as directed within 10 days of any change in name, residence address, mailing address, e-mail address, or phone number.

Failure to timely notify the Board of any change in employer, name, address, email address, or phone number, within 10 days of the change, shall be considered a violation of probation.

**7. REIMBURSEMENT OF BOARD COSTS**

As a condition precedent to successful completion of probation, Respondent shall pay to the Board its costs of investigation and prosecution in the amount of \$3,084.88.

Respondent shall be permitted to pay these costs in a payment plan approved by the Board, so long as full payment is completed no later than one (1) year prior to the end date of probation.

There shall be no deviation from this schedule absent prior written approval by the Board. Failure to pay costs by the deadline(s) as directed shall be considered a violation of probation.

**8. PROBATION MONITORING COSTS**

Respondent shall pay any costs associated with probation monitoring as determined by the Board each and every year of probation. Such costs shall be payable to the Board on a schedule as directed by the Board. Failure to pay such costs by the deadline(s) as directed shall be considered a violation of probation.

**9. STATUS OF LICENSE**

Respondent shall, at all times while on probation, maintain an active, current pharmacy technician registration with the Board, including any period during which suspension or probation is tolled.

Failure to maintain an active, current pharmacy technician registration shall be

considered a violation of probation.

If Respondent's pharmacy technician registration expires or is cancelled by operation of law or otherwise at any time during the period of probation, including any extensions thereof due to tolling or otherwise, upon renewal or reapplication Respondent's pharmacy technician registration shall be subject to all terms and conditions of this probation not previously satisfied.

#### 10. **LICENSE SURRENDER WHILE ON PROBATION/SUSPENSION**

Following the effective date of this Decision, should Respondent cease practice due to retirement or health, or be otherwise unable to satisfy the terms and conditions of probation, Respondent may relinquish her license, including any indicia of licensure issued by the Board, along with a request to surrender the license. The Board shall have the discretion whether to accept the surrender or take any other action it deems appropriate and reasonable. Upon formal acceptance of the surrender of the license, Respondent will no longer be subject to the terms and conditions of probation. This surrender constitutes a record of discipline and shall become a part of the Respondent's license history with the Board.

Upon acceptance of the surrender, Respondent shall relinquish her pocket and/or wall license, including any indicia of licensure not previously provided to the Board within 10 days of notification by the Board that the surrender is accepted if not already provided.

Respondent may not reapply for any license from the Board for three years from the effective date of the surrender. Respondent shall meet all requirements applicable to the license sought as of the date the application for that license is submitted to the Board, including any outstanding costs.

**11. CERTIFICATION PRIOR TO RESUMING WORK**

Respondent shall maintain an active, current certification as defined by Business and Professions Code section 4202, subdivision (a)(4), for the entire period of probation, and shall submit proof of re-certification or renewal of certification to the Board within ten (10) days of receipt. Failure to maintain active, current certification or to timely submit proof of same shall be considered a violation of probation.

**12. PRACTICE REQUIREMENT – EXTENSION OF PROBATION**

Except during periods of suspension, Respondent shall, at all times while on probation, be employed as a pharmacy technician in California for a minimum of 20 hours per calendar month. Any month during which this minimum is not met shall extend the period of probation by one month. During any such period of insufficient employment, Respondent must nonetheless comply with all terms and conditions of probation, unless Respondent receives a waiver in writing from the Board.

If Respondent does not practice as a pharmacy technician in California for the minimum number of hours in any calendar month, for any reason (including vacation), Respondent shall notify the Board in writing within ten days of the conclusion of that calendar month. This notification shall include at least: the date(s), location(s), and hours of last practice; the reason(s) for the interruption or reduction in practice; and the anticipated date(s) on which Respondent will resume practice at the required level. Respondent shall further notify the Board in writing within ten days following the next calendar month during which Respondent practices as a pharmacy technician in California for the minimum number of hours. Any failure to timely provide such notification(s) shall be considered a violation of probation.

It is a violation of probation for Respondent's probation to be extended pursuant to the provisions of this condition for a total period, counting consecutive

and non-consecutive months, exceeding 36 months. The Board may post a notice of the extended probation period on its website.

### 13. **DRUG AND ALCOHOL TESTING**

Respondent, at her own expense, shall participate in testing as directed by the Board for the detection of alcohol, controlled substances, and dangerous drugs and/or dangerous devices. Testing protocols may include biological fluid testing (urine, blood), breathalyzer, hair follicle testing, or other testing protocols as directed by the Board. All testing must be pursuant to an observed testing protocol unless Respondent is informed otherwise in writing by the Board. Respondent may be required to participate in testing for the entire probation period and frequency of testing will be determined by the Board.

By no later than 30 days after the effective date of this decision, Respondent shall have completed all the following tasks: enrolled and registered with an approved drug and alcohol testing vendor; provided that vendor with any documentation, and any information necessary for payment by Respondent; commenced testing protocols, including all required contacts with the testing vendor to determine testing date(s); and begun testing. At all times, Respondent shall fully cooperate with the testing vendor, and with the Board, regarding enrollment, registration, and payment for, and compliance with, testing. Any failure to cooperate timely shall be considered a violation of probation.

Respondent may be required to test on any day, including weekends and holidays. Respondent is required to make daily contact with the testing vendor to determine if a test is required, and if a test is required must submit to testing on the same day.

Prior to any vacation or other period of absence from the area where the approved testing vendor provides services, Respondent shall seek and receive approval from the Board to use an alternate testing vendor to ensure testing can occur. Upon approval, Respondent shall enroll and register with the approved alternate drug testing vendor, and provide to that alternate vendor any documentation required by the vendor, including any necessary payment by Respondent. During the period of absence of the area, Respondent shall commence testing protocols with the alternate vendor, including required daily contacts with the testing vendor to determine if testing is required, and required testing. Any failure to timely seek or receive approval from the Board, or to timely enroll and register with, timely commence testing protocols with, or timely undergo testing with, the alternate testing vendor, shall be considered a violation of probation.

Upon detection of an illicit drug, controlled substance or dangerous drug, the Board may require Respondent to timely provide documentation from a licensed practitioner authorized to prescribe the detected substance demonstrating that the substance was administered or ingested pursuant to a legitimate prescription issued as a necessary part of treatment. All such documentation shall be provided by Respondent within 10 days of being requested.

Any of the following shall be considered a violation of probation and shall result in Respondent being immediately suspended from practice as a pharmacy technician until notified by the Board in writing that she may resume practice: failure to timely complete all of the steps required for enrollment/registration with the drug testing vendor, including making arrangements for payment; failure to timely commence drug testing protocols; failure to contact the drug testing vendor as required to determine testing date(s); failure to test as required; failure to refrain from alcohol; failure to timely supply documentation demonstrating that a detected substance was taken

pursuant to a legitimate prescription issued as a necessary part of treatment; and/or detection through testing of alcohol, or drug that contains alcohol, without a prescription, or of an illicit drug, or of a controlled substance or dangerous drug absent documentation that the detected substance was taken pursuant to a legitimate prescription and a necessary treatment. In the event of a suspension ordered after detection through testing of alcohol, or drug that contains alcohol, without a valid prescription, an illicit drug, or of a controlled substance or dangerous drug absent documentation that the detected substance was taken pursuant to a legitimate prescription and a necessary treatment, the Board shall inform Respondent of the suspension and inform her to immediately leave work, and shall notify Respondent's employer(s) and work site monitor(s) of the suspension.

During any such suspension, Respondent shall not enter any pharmacy area or any portion of any Board-licensed premises where dangerous drugs and/or dangerous devices or controlled substances are maintained. Respondent shall not exercise any of the privileges conveyed by the Board nor do any act involving drug selection, selection of stock, manufacturing, compounding, dispensing, or patient consultation; nor shall Respondent manage, administer, or be a consultant to any licensee of the Board, or have access to or control the ordering, distributing, manufacturing, or dispensing of dangerous drugs and/or dangerous devices and controlled substances.

During any such suspension, Respondent shall not engage in any activity that requires the professional judgment of and/or licensure as a pharmacy technician. Respondent shall not direct or control any aspect of any Board-licensed premises.

Failure to comply with any such suspension shall be considered a violation of probation. Failure to comply with any requirement or deadline stated by this term shall be considered a violation of probation.

**14. ABSTAIN FROM DRUGS AND ALCOHOL**

Respondent shall completely abstain from the possession or use of alcohol, controlled substances, illicit drugs, dangerous drugs and/or dangerous devices, or their associated paraphernalia, except when possessed or used pursuant to a legitimate prescription issued as a necessary part of treatment. Respondent shall ensure that she is not in the same physical location as individuals who are using illicit substances even if Respondent is not personally ingesting the drugs. Any possession or use of alcohol, dangerous drugs and/or dangerous devices or controlled substances, or their associated paraphernalia for which a legitimate prescription has not been issued as a necessary part of treatment, or any physical proximity to persons using illicit substances, shall be considered a violation of probation. Respondent shall sign an acknowledgment confirming receipt of a list of examples of prohibited substances.

**15. ATTEND SUBSTANCE ABUSE RECOVERY RELAPSE PREVENTION AND SUPPORT GROUPS**

Within 30 days of the effective date of this Decision, Respondent shall begin regular attendance at a recognized and established substance abuse recovery support group in California (e.g., Alcoholics Anonymous, Narcotics Anonymous, etc.) which has been approved by the Board. Respondent must attend the number of group meetings per week or month directed by the Board, which shall typically be at least one per week. Respondent shall continue regular attendance and submit signed and dated documentation confirming attendance with each quarterly report for the duration of probation. Failure to attend or submit documentation thereof shall be considered a violation of probation.

16. **WORK SITE MONITOR**

Within 10 days of the effective date of this Decision, Respondent shall identify a work site monitor, for prior approval by the Board, who shall be responsible for supervising Respondent during working hours. Respondent shall be responsible for ensuring that the work site monitor reports in writing to the Board monthly or on another schedule as directed by the Board. Should the designated work site monitor suspect at any time during the probationary period that Respondent has abused alcohol or drugs, they shall notify the Board immediately.

In the event of suspected abuse, the monitor shall make at least oral notification within one business day of the occurrence, and shall be followed by written notification within two business days of the occurrence. If, for any reason, including change of employment, Respondent is no longer able to be monitored by the approved work site monitor, within 10 days Respondent shall designate a new work site monitor for approval by the Board. Failure to timely identify an acceptable initial or replacement work site monitor, or to ensure monthly reports are submitted to the Board by the monitor, shall be considered a violation of probation.

Within 30 days of being approved by the Board, the work site monitor shall sign an affirmation that they have reviewed the terms and conditions of Respondent's disciplinary order and agree to monitor Respondent. The work site monitor shall at least: 1) Have regular face-to-face contact with Respondent in the work environment, at least once per week or with greater frequency if required by the Board; 2) Interview other staff in the office regarding Respondent's behavior, if applicable; and 3) Review Respondent's work attendance.

The written reports submitted to the Board by the work site monitor shall include at least the following information: Respondent's name and license number; the

monitor's name, license number and work site location; the date(s) the monitor had face-to-face contact with Respondent; the staff interviewed, if applicable; an attendance report; notes on any changes in Respondent's behavior or personal habits; notes on any indicators that may lead to substance abuse; and the work site monitor's signature.

Respondent shall complete the required consent forms and sign an agreement with the work site monitor and the Board to allow the Board to communicate with the work site monitor.

#### **17. CRIMINAL PROBATION/PAROLE REPORTS**

Within ten (10) days of the effective date of this decision, or within ten (10) days of the issuance or assignment/replacement of same, whichever is earlier, Respondent shall provide the Board in writing: a copy of the conditions of any criminal probation/parole applicable to Respondent; and the name and contact information of any probation, parole or similar supervisory officer assigned to Respondent. Respondent shall provide a copy of all criminal probation/parole reports to the Board within ten (10) days after such report is issued. Failure to timely make any of the submissions required hereby shall be considered a violation of probation.

#### **18. VIOLATION OF PROBATION**

If Respondent has not complied with any term or condition of probation, the Board shall have continuing jurisdiction over Respondent, and the Board shall provide notice to Respondent that probation shall automatically be extended, until all terms and conditions have been satisfied or the Board has taken other action as deemed appropriate to treat the failure to comply as a violation of probation, to terminate probation, and to impose the penalty that was stayed. The Board may post a notice of the extended probation period on its website.

If Respondent violates probation in any respect, the Board, after giving Respondent notice and an opportunity to be heard, may revoke probation and carry out the disciplinary order that was stayed. If a petition to revoke probation or an accusation is filed against Respondent during probation, or the preparation of an accusation or petition to revoke probation is requested from the Office of the Attorney General, the Board shall have continuing jurisdiction and the period of probation shall be automatically extended until the petition to revoke probation or accusation is heard and decided.

19. **COMPLETION OF PROBATION**

Upon written notice by the Board indicating successful completion of probation, Respondent's license will be fully restored.

This Decision shall become effective at 5:00 p.m. on December 19, 2025.

It is so ORDERED on November 19, 2025.

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, flowing style.

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:**

**TRACI MONCRIEF,**

**Pharmacy Technician Registration No. TCH 96971,**

**Respondent.**

**Agency Case No. 7814**

**OAH No. 2024120382**

**PROPOSED DECISION**

Julie Cabos Owen, Administrative Law Judge, Office of Administrative Hearings (OAH), State of California, heard this matter by videoconference on March 6, 2025. Anne Sodergren (Complainant) was represented by Deputy Attorney General Blaine A. Noblett. Traci Moncrief (Respondent) represented herself.

Testimony and documents were received in evidence. The record closed and the matter was submitted for decision on March 6, 2025.

## **FACTUAL FINDINGS**

### **Jurisdictional Matters**

1. On December 23, 2009, the California Board of Pharmacy (Board) issued Pharmacy Technician Registration Number TCH 96971 to Respondent. Her Pharmacy Technician Registration (license) is scheduled to expire on May 31, 2025.
2. On August 16, 2024, Complainant filed the Accusation while acting in her official capacity as Executive Officer of the Board, Department of Consumer Affairs.
3. Respondent timely filed a Notice of Defense requesting a hearing.

### **Respondent's 2023 Criminal Conviction**

4. On January 19, 2023, Respondent was convicted on her nolo contendere plea of violating Vehicle Code section 23152, subdivision (b) (driving under the influence [DUI] with a blood alcohol content [BAC] of 0.08 percent or higher), a misdemeanor. (Super. Ct. Los Angeles County, 2022, No. 2MN02721.)
5. The court placed Respondent on summary probation for 60 months and ordered her to serve 15 days in jail, with credit for one day served. The court also ordered Respondent to complete an 18-month second offender DUI program and to pay \$2,003 in fines and fees and restitution to the victim. Respondent was also ordered to refrain from driving with any measurable amount of alcohol in her blood and to install an ignition interlock device on her vehicle. Respondent's probation was scheduled to expire January 23, 2029.
6. The circumstances surrounding Respondent's 2023 criminal conviction are as follows: While Respondent was driving on May 18, 2022, her vehicle swerved

and struck another vehicle. When California Highway Patrol (CHP) officers arrived at the collision scene, Respondent appeared disoriented and confused about how the traffic collision occurred. A CHP officer observed Respondent's breath smelled of alcohol, her speech was slurred, and she had red, watery eyes. When asked for her vehicle registration and insurance information, Respondent opened her vehicle's glove compartment which contained a half-empty bottle of tequila. Respondent admitted drinking only one cocktail at a bar that evening. After exiting her vehicle, Respondent had an unsteady gait and failed field sobriety tests. Upon her arrest, Respondent refused to submit a breath or blood sample. Officers obtained a search warrant to obtain her blood sample, which revealed her BAC of 0.22 percent.

### **Substantial Relationship of Respondent's Crime to Her Profession**

7. Louisa Tsoi, Pharm.D., testified on Complainant's behalf. Dr. Tsoi is a California-licensed pharmacist, and she has been an inspector for the Board for over seven years. Dr. Tsoi testified in a sincere manner, and she presented as a credible witness. Her credible testimony established Factual Findings 8 and 9, below.

8. In their licensed profession, pharmacy technicians are responsible for filling prescriptions for dangerous drugs and controlled substances. Pharmacy technicians also have access to confidential patient information, including financial information and medical information. Given their access to drugs and confidential information, pharmacy technicians must be honest and trustworthy and must have good judgment. They must not be under the influence of any substance and must be able to fill prescriptions correctly to avoid patient harm.

9. Driving under the influence of alcohol demonstrates a lapse in good judgment and indicates a willingness to put the public at risk. Consequently,

Respondent's alcohol-related criminal conviction demonstrates Respondent's potential unfitness to perform her licensed functions in a manner consistent with the public health, safety, and welfare. Therefore, her 2023 criminal conviction is substantially related to the qualifications, functions, and duties of a pharmacy technician.

### **Respondent's Prior and Subsequent DUIs**

10. Respondent's 2023 DUI conviction was not her first. On December 14, 2018, Respondent sustained a DUI conviction that arose from her driving under the influence of alcohol on April 11, 2018. On July 1, 2021, the criminal court dismissed Respondent's 2018 criminal conviction pursuant to Penal Code section 1203.4.

11. In 2022, less than a year after Respondent obtained expungement of her 2018 DUI, she again drove under the influence of alcohol and sustained her 2023 DUI conviction.

12. Despite being on criminal probation following her 2023 DUI conviction, and despite completing the 18-month second offender DUI program in June 2024, Respondent again drove under the influence of alcohol and was arrested in June 2024. Respondent currently faces misdemeanor charges in a pending criminal case arising from that arrest.

### **Respondent's Evidence at Hearing**

13. Respondent testified at the administrative hearing in a respectful and forthright manner. She presented as a credible witness.

14. Respondent understands the gravity of her actions that gave rise to this case, and she takes full responsibility for her misconduct.

15. Respondent noted she has been a dedicated pharmacy technician for 15 years but has faced significant personal challenges. She spent her life “trying to be there for others and the person people can rely on, but neglected to take care of [her]self.” Instead, she convinced herself she was “fine,” and “kept trying to push forward without trying to understand the patterns,” and ignoring her “deeper wounds.” Her “devastating mistake” of sustaining her third DUI arrest in 2024 forced her to confront “the unresolved pain and struggles [she] had been running from and the patterns [she] had been repeating.” She could no longer “pretend [she was] okay.”

16. Respondent now understands “true healing cannot be done alone.” Since October 2024, Respondent has taken strides toward recovery, and she is committed to her sobriety, which involves abstinence as well as working on healing and self-reflection. Respondent noted that, despite her progress, she understands she “cannot ignore the serious mistakes that brought [her] to this moment.”

17. Although Respondent completed the court-ordered 18-month alcohol rehabilitation program in June 2024, she learned very little. She felt the court-ordered program was not as “hands on” as her current recovery program, recalling that it consisted of “a few classes where [the group] watched videos” and group therapy once every other week where the participants talked “about their week and not tapping into a personal level.”

18. Respondent’s stated sobriety date is October 19, 2024.

19. Since November 7, 2024, Respondent has been voluntarily participating in Kaiser Permanente’s Department of Addiction Medicine Outpatient Treatment Program. Respondent’s treatment plan consists of participating in recovery groups,

attending a 30-week Early Recovery Series, and undergoing individual therapy sessions every week.

20. Respondent has completed several Early Recovery classes and finds them “way more personal and meaningful than the court[-ordered] program.” She also tested negative on random urine tests. Respondent attends individual therapy sessions weekly.

21. Since at least July 2, 2024, Respondent has voluntarily attended Alcoholics Anonymous (AA) meetings. However, she is not going through the 12 steps, and she does not have a sponsor.

22. Since December 27, 2024, Respondent has submitted to court-ordered alcohol monitoring as a pretrial requirement for her pending criminal case. Respondent must blow into a testing device five times per day. Respondent had one positive test on December 31, 2024. Respondent explained “It could be a mis-fire or if you use mouthwash, which [she doesn’t] use anymore.”

23. To maintain her sobriety, Respondent is continuing her outpatient classes and group meetings, and she is attending therapy to “talk it out” and “deal with past issues.” Her support network includes her recovery programs and therapist, her mother, and her children.

24. Respondent understands “sobriety is not just about not drinking,” but includes “taking responsibility,” “breaking an unhealthy cycle,” and “finding strength to heal.” She now knows she does “not have to do it alone and no longer want[s] to.”

25. Respondent assured the Board she is “not the same person [she] was when [she] made those mistakes.” She is determined to be a better mother and

professional and better version of [her]self.” She hopes to continue contributing positively to the field of pharmacy.

26. Respondent has completed one semester (Fall 2024) of college classes, and she earned grades which placed her on the Dean’s List. She is currently attending Spring semester classes.

27. Respondent is a single parent and sole provider for her two children. She noted that her teenage daughter is struggling to deal with a father in prison, and she strives to “stand beside her.” Her son has “worked hard to get back on track academically after suffering during COVID, and he is now on the honor roll.”

28. Respondent has been employed by CVS as a pharmacy technician since 2008. She started working full-time and was promoted to lead technician in 2012. After starting another full-time job, Respondent transitioned to part-time work with CVS in 2022.

29. In 2021, Respondent began working full-time as a specialty pharmacy technician at Boston Medical Center which was absorbed by City of Hope in 2023.

30. Respondent currently works full-time (40 hours) at City of Hope and part-time (13 hours) at CVS.

31. In February 2025, the manager of City of Hope’s specialty pharmacy offered Respondent a promotion to Pharmacy Technician III. In his written offer, the manager noted, “This promotion is supported by your hard work and dedication to our staff and is part of our ongoing commitment to advance team members.” (Exhibit G.) Respondent accepted the position and is undergoing preceptor training to complete her eligibility for promotion.

32. Respondent has the support of her supervisors and colleagues who submitted reference letters on her behalf, attesting to her competence and dedication. Cheng Chang, Respondent's current CVS pharmacy manager; Peter La Firenza, a CVS store manager; Lina Huynh, a City of Hope Pharmacy Technician III; and Dalin Wu, a City of Hope clinical pharmacist collectively described Respondent as reliable, diligent, dedicated, professional, organized, compassionate, and indispensable in her work as a pharmacy technician.

33. All the individuals who submitted letters are aware of Respondent's DUI arrests, including her most recent arrest in June 2024.

## **Costs**

34. Complainant submitted a Certification of Prosecution Costs/Declaration of Blane A. Noblett, certifying that the Department of Justice, Office of the Attorney General billed the Board \$6,169.75 for legal services provided through March 4, 2025.

35. The evidence established that Complainant incurred total prosecution costs of \$6,169.75.

36. Respondent currently earns about \$3,600 per month. She supports herself and her two children. Respondent's expenses include rent (\$925), past due bills (about \$1,000), water and electricity (\$200), gas (\$200), phone (\$350) groceries (\$600), vehicle insurance (\$200), and a car payment (\$456). Respondent does not believe she could afford to pay the Board's \$6,169.75 in prosecution costs.

//

//

## LEGAL CONCLUSIONS

1. Business and Professions Code section 4301 requires the Board to impose discipline on any pharmacy licensee who is guilty of unprofessional conduct. Unprofessional conduct includes:

(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. [¶] . . . [¶]

(j) The conviction of a crime substantially related to the qualifications, functions, and duties of a licensee under this chapter. . . . 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.

2. California Code of Regulations, title 16, section 1770 provides:

(a) For the purpose of denial, suspension, or revocation of a . . . license . . . a crime, professional misconduct, or act shall be considered substantially related to the qualifications, functions or duties of the [licensed] practice, profession, or occupation . . . 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 be performed under the license type sought or held.

(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.

3. Cause exists to discipline Respondent's pharmacy technician license, pursuant to Business and Professions Code sections 490 and 4301, subdivision (j), and California Code of Regulations, title 16, section 1770, on the grounds that Respondent has been convicted of a crime which is substantially related to the qualifications, functions, and duties of a pharmacy technician, as set forth in Factual Findings 4 through 9, and Legal Conclusions 1 and 2.

4. Cause exists to discipline Respondent's pharmacy technician license, pursuant to Business and Professions Code section 4301, subdivision (h), for the use of alcoholic beverages to the extent or in a manner as to be dangerous to herself and the public, as set forth in Factual Findings 4 through 9.

5. Pursuant to the Board's Disciplinary Guidelines, in determining the appropriate discipline in a case, factors such as the following should be considered: (1) actual or potential harm to the public; (2) actual or potential harm to any consumer; (3) prior disciplinary record, including level of compliance with disciplinary order(s); (4) prior warning(s), including but not limited to citation(s) and fine(s), letter(s) of admonishment, and/or correction notice(s); (5) number and/or variety of current

violations; (6) nature and severity of the act(s), offense(s) or crime(s) under consideration; (7) aggravating evidence; (8) mitigating evidence; (9) rehabilitation evidence; (10) compliance with terms of any criminal sentence, parole, or probation; (11) overall criminal record; (12) if applicable, evidence of proceedings for case being set aside and dismissed pursuant to Section 1203.4 of the Penal Code; (13) time passed since the act(s) or offense(s); (14) whether the conduct was intentional or negligent, demonstrated incompetence, or, if the respondent is being held to account for conduct committed by another, the respondent had knowledge of or knowingly participated in such conduct; (15) financial benefit to the respondent from the misconduct; (16) other licenses held by the respondent and license history of those licenses; and (17) Uniform Standards Regarding Substance-Abusing Healing Arts Licensees.

6. Respondent's drunk driving in May 2022 is concerning, as she placed the public at risk. Additionally, Respondent had sustained a prior DUI conviction in 2018, although that was dismissed in 2021 pursuant to Penal Code section 1203.4. More concerning is that, while on criminal probation, Respondent incurred another DUI arrest in June 2024. Nevertheless, Respondent has established some notable rehabilitation.

7. Respondent expressed remorse for her violations and accepted full responsibility for her misconduct. Remorse for one's conduct and the acceptance of responsibility are the cornerstones of rehabilitation. (See *In the Matter of Brown* (1993) 2 Cal. State Bar Ct. Rptr. 309.) Fully acknowledging the wrongfulness of past actions is an essential step towards rehabilitation. (See *Seide v. Committee of Bar Examiners* (1989) 49 Cal.3d 933; *In the Matter of Brown, supra*.)

//

8. However, remorse alone does not demonstrate rehabilitation. A truer indication of rehabilitation is sustained conduct over an extended time. (*In re Menna* (1995) 11 Cal.4th 975, 991.) Respondent has a 15-year history of licensure and employment without patient or employer complaint. Nevertheless, given Respondent's two alcohol-related driving convictions five years apart, and her recent 2024 arrest while still on criminal probation, she presents a risk of recidivism.

9. However, since Respondent's most recent DUI arrest in June 2024, she has made significant efforts toward rehabilitation. She has voluntarily participated in Kaiser's Outpatient Treatment Program by attending Early Recovery classes and undergoing weekly individual therapy sessions. She also voluntarily attends AA meetings. Respondent is committed to her sobriety, and she is dedicated to being a good provider for her children.

10. Respondent has also taken steps to move forward academically and professionally. She completed Fall semester college classes, was on the Dean's List, and is currently attending Spring semester classes. Respondent has also accepted a promotion to Pharmacy Technician III at work, and she is undergoing preceptor training to complete her eligibility for that position.

11. Respondent has the support of her supervisors and colleagues who attested to Respondent's dependability and professionalism in the work setting for many years. Character references from employers, supervisors, colleagues, and associates familiar with Respondent's work practices are given careful consideration. (See *Werner v. State Bar of Cal.* (1954) 42 Cal.2d 187, 196-197, and *Preston v. State Bar of Cal.* (1946) 28 Cal.2d 643, 650-651.)

//

12. Administrative actions regarding a state-issued license are not for the primary purpose of punishing an individual. (*Camacho v. Youde* (1979) 95 Cal.App.3d 161, 165.) Rather, in issuing and disciplining licenses, a state agency is primarily concerned with protection of the public, maintaining the integrity and high standards of the profession, and preserving public confidence in licensure. (*Ibid*, see also *Fahmy v. Medical Bd. of California* (1995) 38 Cal.App.4th 810, 817.)

13. Given Respondent's sincere expression of remorse and acceptance of responsibility for her misconduct, and considering the support of her supervisors and colleagues, Respondent has established she is sufficiently rehabilitated such that revocation of her license would be unduly harsh discipline. A period of oversight with probationary terms is appropriate to protect the public health, safety, and welfare.

14. Pursuant to Business and Professions Code section 125.3, Complainant is entitled to recover the reasonable costs incurred in the investigation and prosecution of this matter. In *Zuckerman v. State Board of Chiropractic Examiners* (2002) 29 Cal.4th 32 (*Zuckerman*), the Supreme Court set forth factors to consider in determining the reasonableness of costs. These factors include: (1) the licentiate's success in getting the charges dismissed or the severity of the discipline imposed reduced; (2) the licentiate's subjective good faith belief in the merits of his or her position; (3) whether the licentiate raised a colorable challenge to the proposed discipline; (4) the licentiate's financial ability to pay; and (5) whether the scope of the investigation was appropriate in light of the alleged misconduct.

15. The *Zuckerman* factors are applied to this case as follows: (1) Because both causes for discipline were established, Respondent was unsuccessful in getting charges dismissed, but she established sufficient rehabilitation to warrant reduction of the severity of discipline. (2) Respondent established a good faith belief in her

argument for continued licensure, albeit with revocation stayed and probationary oversight. (3) Respondent did not raise a justifiable challenge to the proposed discipline of revocation, but she was able to challenge outright revocation and obtain the reduced discipline of probation. (4) Respondent's income and expenses are such that she would be unable to pay all the Board's prosecution costs. (5) The scope of the Bureau investigation was appropriate given the alleged misconduct and the complexity of the subject matter. Considering all the *Zuckerman* factors, there is a basis for reducing the award of Complainant's reasonable costs by 50 percent, and Respondent shall pay the Board the reasonable costs for investigation and enforcement totaling \$3,084.88.

## **ORDER**

Pharmacy Technician Registration Number TCH 96971, issued to Respondent Traci Moncrief, is revoked. However, the revocation is stayed, and Respondent is placed on probation for five years upon the following terms and conditions:

1. OBEY ALL LAWS

Respondent shall obey all state and federal laws and regulations.

Respondent shall report any of the following occurrences to the Board, in writing, within 72 hours of such occurrence:

(1) an arrest or issuance of a criminal complaint, information, or indictment for violation of any state and federal laws.

(2) a plea of guilty, or nolo contendere, no contest, or similar, in any state or federal criminal proceeding to any criminal complaint, information, or indictment.

(3) a conviction of any crime.

(4) the filing of a disciplinary pleading, issuance of a citation, or initiation of another administrative action filed by any state or federal agency.

Failure to timely report such occurrence shall be considered a violation of probation.

## 2. REPORT TO THE BOARD

Respondent shall report to the Board quarterly, on a schedule as directed by the Board. The report shall be made either in person or in writing, as directed. Among other requirements, Respondent shall state in each report under penalty of perjury whether there has been compliance with all the terms and conditions of probation.

Failure to submit timely reports in a form as directed shall be considered a violation of probation. Any period(s) of delinquency in submission of reports as directed may be added to the total period of probation. Moreover, if the final probation report is not made as directed, probation shall be automatically extended until such time as the final report is made and accepted by the Board.

## 3. INTERVIEW WITH THE BOARD

Upon receipt of reasonable prior notice, Respondent shall appear in person for interviews with the Board or its designee, at such intervals and locations as are determined by the Board or its designee. Failure to appear for any scheduled interview without prior notification to Board staff, or failure to appear for two or more scheduled interviews with the Board or its designee during the period of probation, shall be considered a violation of probation.

#### 4. COOPERATE WITH BOARD STAFF

Respondent shall timely cooperate with the Board's inspection program and with the Board's monitoring and investigation of Respondent's compliance with the terms and conditions of her probation, including but not limited to: timely responses to requests for information by Board staff; timely compliance with directives from Board staff regarding requirements of any term or condition of probation; and timely completion of documentation pertaining to a term or condition of probation. Failure to timely cooperate shall be considered a violation of probation.

#### 5. REPORTING OF EMPLOYMENT AND NOTICE TO EMPLOYERS

During the period of probation, Respondent shall notify all present and prospective employers of this Decision (Case number 7814; OAH Number 2024120382) and the terms, conditions and restrictions imposed on Respondent by this Decision, as follows:

Within 30 days of the effective date of this Decision, and within 10 days of undertaking any new employment, Respondent shall report to the Board in writing the name, physical address, and mailing address of each of her employer(s), and the name(s) and telephone number(s) of all of her direct supervisor(s), as well as any pharmacist(s)-in-charge, designated representative(s)-in-charge, responsible manager, or other compliance supervisor(s) and the work schedule, if known. Respondent shall also include the reason(s) for leaving the prior employment. Respondent shall sign and return to the Board a written consent authorizing the Board or its designee to communicate with all of Respondent's employer(s) and supervisor(s) and authorizing those employer(s) or supervisor(s) to communicate with the Board or its designee concerning Respondent's work status, performance, and monitoring. Failure to comply

with the requirements or deadlines of this condition shall be considered a violation of probation.

Within 30 days of the effective date of this Decision, and within 15 days of Respondent undertaking any new employment, Respondent shall cause (a) her direct supervisor, (b) her pharmacist-in-charge, designated representative-in-charge, responsible manager, or other compliance supervisor, and (c) the owner or owner representative of her employer, to report to the Board in writing acknowledging that the listed individual(s) has/have read this Decision (Case number 7814; OAH Number 2024120382), and the terms and conditions imposed thereby. If one person serves in more than one role described in (a), (b), or (c), the acknowledgment shall so state. It shall be the Respondent's responsibility to ensure that these acknowledgment(s) are timely submitted to the Board. In the event of a change in the person(s) serving the role(s) described in (a), (b), or (c) during the term of probation, Respondent shall cause the person(s) taking over the role(s) to report to the Board in writing within 15 days of the change acknowledging that he or she has read this Decision (Case number 7814; OAH Number 2024120382), and the terms and conditions imposed thereby.

If Respondent works for or is employed by or through an employment service, Respondent must notify the person(s) described in (a), (b), and (c) above at every entity licensed by the Board of this Decision (Case number 7814; OAH Number 2024120382), and the terms and conditions imposed thereby in advance of Respondent commencing work at such licensed entity. A record of this notification must be provided to the Board upon request.

Furthermore, within 30 days of the effective date of this Decision, and within 15 days of Respondent undertaking any new employment by or through an employment service, Respondent shall cause the person(s) described in (a), (b), and (c) above at the

employment service to report to the Board in writing acknowledging that he or she has read this Decision (Case number 7814; OAH Number 2024120382), and the terms and conditions imposed thereby. It shall be Respondent's responsibility to ensure that these acknowledgment(s) are timely submitted to the Board.

Failure to timely notify present or prospective employer(s) or failure to cause the identified person(s) with that/those employer(s) to submit timely written acknowledgments to the Board shall be considered a violation of probation.

"Employment" within the meaning of this provision includes any full-time, part-time, temporary, relief, or employment/management service position as a pharmacy technician, or any position for which a pharmacy technician registration is a requirement or criterion for employment, whether Respondent is an employee, independent contractor, or volunteer.

6. NOTIFICATION OF CHANGE(S) IN NAME, ADDRESS(ES), OR PHONE NUMBER(S)

Respondent shall further notify the board in writing within 10 days of any change in name, residence address, mailing address, e-mail address or phone number.

Failure to timely notify the Board of any change in employer, name, address, or phone number shall be considered a violation of probation.

7. REIMBURSEMENT OF BOARD COSTS

As a condition precedent to successful completion of probation, Respondent shall pay to the Board its costs of investigation and prosecution in the amount of \$3,084.88.

Respondent shall be permitted to pay these costs in a payment plan approved by the Board or its designee, so long as full payment is completed no later than six months prior to the end date of probation.

Failure to pay costs by the deadline(s) as directed shall be considered a violation of probation.

#### 8. PROBATION MONITORING COSTS

Respondent shall pay any costs associated with probation monitoring as determined by the Board each year of probation. Such costs shall be payable to the Board on a schedule as directed by the Board or its designee. Failure to pay such costs by the deadline(s) as directed shall be considered a violation of probation.

#### 9. STATUS OF LICENSE

Respondent shall, at all times on probation, maintain an active, current pharmacy technician registration with the Board, including any period during which suspension or probation is tolled.

Failure to maintain an active, current pharmacy technician registration shall be considered a violation of probation.

If Respondent's pharmacy technician registration expires or is cancelled by operation of law or otherwise at any time during the period of probation, including any extensions thereof due to tolling or otherwise, upon renewal or reapplication Respondent's pharmacy technician registration shall be subject to all terms and conditions of this probation not previously satisfied.

#### 10. LICENSE SURRENDER WHILE ON PROBATION/SUSPENSION

Following the effective date of this Decision, should Respondent cease practice due to retirement or health, or be otherwise unable to satisfy the terms and conditions of probation, Respondent may relinquish her license, including any indicia of licensure issued by the Board, along with a request to surrender the license. The Board or its designee shall have the discretion whether to accept the surrender or take any other action it deems appropriate and reasonable. Upon formal acceptance of the surrender of the license, Respondent will no longer be subject to the terms and conditions of probation. This surrender constitutes a record of discipline and shall become a part of the Respondent's license history with the board.

Upon acceptance of the surrender, Respondent shall relinquish her pocket and/or wall license, including any indicia of licensure to the Board within 10 days of notification by the Board that the surrender is accepted if not already provided.

Respondent may not reapply for any license from the Board for three years from the effective date of the surrender. Respondent shall meet all requirements applicable to the license sought as of the date the application for that license is submitted to the Board, including any outstanding costs.

#### 11. PRACTICE REQUIREMENT – EXTENSION OF PROBATION

Except during periods of suspension, Respondent shall, at all times on probation, be employed as a pharmacy technician in California for a minimum of 20 hours per calendar month. Any month during which this minimum is not met shall extend the period of probation by one month. During any such period of insufficient employment, Respondent must nonetheless comply with all terms and conditions of probation, unless Respondent receives a waiver in writing from the Board or its designee.

If Respondent does not practice as a pharmacy technician in California for the minimum number of hours in any calendar month, for any reason (including vacation), Respondent shall notify the Board in writing within ten days of the conclusion of that calendar month. This notification shall include at least: the date(s), location(s), and hours of last practice; the reason(s) for the interruption or reduction in practice; and the anticipated date(s) on which Respondent will resume practice at the required level. Respondent shall further notify the Board in writing within ten days following the next calendar month during which Respondent practices as a pharmacy technician in California for the minimum number of hours. Any failure to timely provide such notification(s) shall be considered a violation of probation.

It is a violation of probation for Respondent's probation to be extended pursuant to the provisions of this condition for a total period, counting consecutive and non-consecutive months, exceeding 36 months. The Board or its designee may post a notice of the extended probation period on its website.

## 12. DRUG AND ALCOHOL TESTING

Respondent, at her own expense, shall participate in testing as directed by the Board or its designee for the detection of alcohol, controlled substances, and dangerous drugs and/or dangerous devices. Testing protocols may include biological fluid testing (urine, blood), breathalyzer, hair follicle testing, or other testing protocols as directed by the Board. All testing must be pursuant to an observed testing protocol unless Respondent is informed otherwise in writing by the Board. Respondent may be required to participate in testing for the entire probation period and frequency of testing will be determined by the Board.

//

By no later than 30 days after the effective date of this decision, Respondent shall have completed all the following tasks: enrolled and registered with an approved drug and alcohol testing vendor; provided that vendor with any documentation, and any information necessary for payment by Respondent; commenced testing protocols, including all required contacts with the testing vendor to determine testing date(s); and begun testing. At all times, Respondent shall fully cooperate with the testing vendor, and with the Board regarding enrollment, registration, and payment for, and compliance with, testing. Any failure to cooperate timely shall be considered a violation of probation.

Respondent may be required to test on any day, including weekends and holidays. Respondent is required to make daily contact with the testing vendor to determine if a test is required, and if a test is required must submit to testing on the same day.

Prior to any vacation or other period of absence from the area where the approved testing vendor provides services, Respondent shall seek and receive approval from the Board to use an alternate testing vendor to ensure testing can occur. Upon approval, Respondent shall enroll and register with the approved alternate drug testing vendor, provide to that alternate vendor any documentation required by the vendor, including any necessary payment by Respondent. During the period of absence of the area, Respondent shall commence testing protocols with the alternate vendor, including required daily contacts with the testing vendor to determine if testing is required, and required testing. Any failure to timely seek or receive approval from the Board, or to timely enroll and register with, timely commence testing protocols with, or timely undergo testing with, the alternate testing vendor, shall be considered a violation of probation.

Upon detection of an illicit drug, controlled substance or dangerous drug, the Board may require Respondent to timely provide documentation from a licensed practitioner authorized to prescribe the detected substance demonstrating that the substance was administered or ingested pursuant to a legitimate prescription issued as a necessary part of treatment. All such documentation shall be provided by Respondent within 10 days of being requested.

Any of the following shall be considered a violation of probation and shall result in Respondent being immediately suspended from practice as a pharmacy technician until notified by the Board in writing that she may resume practice: failure to timely complete all of the steps required for enrollment/registration with the drug testing vendor, including making arrangements for payment; failure to timely commence drug testing protocols; failure to contact the drug testing vendor as required to determine testing date(s); failure to test as required; failure to refrain from alcohol; failure to timely supply documentation demonstrating that a detected substance was taken pursuant to a legitimate prescription issued as a necessary part of treatment; and/or detection through testing of alcohol, or drug that contains alcohol, without a prescription, or of an illicit drug, or of a controlled substance or dangerous drug absent documentation that the detected substance was taken pursuant to a legitimate prescription and a necessary treatment. In the event of a suspension ordered after detection through testing of alcohol, or drug that contains alcohol, without a valid prescription, an illicit drug, or of a controlled substance or dangerous drug absent documentation that the detected substance was taken pursuant to a legitimate prescription and a necessary treatment, the Board shall inform Respondent of the suspension and inform her to immediately leave work, and shall notify Respondent's employer(s) and work site monitor(s) of the suspension.

During any such suspension, Respondent shall not enter any pharmacy area or any portion of any Board-licensed premises where dangerous drugs and/or dangerous devices or controlled substances are maintained. Respondent shall not exercise any of the privileges by the Board nor do any act involving drug selection, selection of stock, manufacturing, compounding, dispensing, or patient consultation; nor shall respondent manage, administer, or be a consultant to any licensee of the Board, or have access to or control the ordering, distributing, manufacturing, or dispensing of dangerous drugs and/or dangerous devices and controlled substances.

During any such suspension, respondent shall not engage in any activity that requires the professional judgment of and/or licensure as a pharmacy technician. Respondent shall not direct or control any aspect of any Board-licensed premises.

Failure to comply with any such suspension shall be considered a violation of probation. Failure to comply with any requirement or deadline stated by this term shall be considered a violation of probation.

### 13. ABSTAIN FROM DRUGS AND ALCOHOL

Respondent shall completely abstain from the possession or use of alcohol, controlled substances, illicit drugs, dangerous drugs and/or dangerous devices, or their associated paraphernalia, except when possessed or used pursuant to a legitimate prescription issued as a necessary part of treatment. Respondent shall ensure that she is not in the same physical location as individuals who are using illicit substances even if Respondent is not personally ingesting the drugs. Any possession or use of alcohol, dangerous drugs and/or dangerous devices or controlled substances, or their associated paraphernalia for which a legitimate prescription has not been issued as a necessary part of treatment, or any physical proximity to persons

using illicit substances, shall be considered a violation of probation. Respondent shall sign an acknowledgment confirming receipt of a list of examples of prohibited substances.

14. ATTEND SUBSTANCE ABUSE RECOVERY RELAPSE PREVENTION AND SUPPORT GROUPS

Within 30 days of the effective date of this Decision, Respondent shall begin regular attendance at a recognized and established substance abuse recovery support group in California (e.g., Alcoholics Anonymous, Narcotics Anonymous, etc.) which has been approved by the Board. Respondent must attend the number of group meetings per week or month directed by the Board, which shall typically be at least one per week. Respondent shall continue regular attendance and submit signed and dated documentation confirming attendance with each quarterly report for the duration of probation. Failure to attend or submit documentation thereof shall be considered a violation of probation.

15. WORK SITE MONITOR

Within 10 days of the effective date of this Decision, Respondent shall identify a work site monitor, for prior approval by the Board, who shall be responsible for supervising Respondent during working hours. Respondent shall be responsible for ensuring that the work site monitor reports in writing to the Board monthly or on another schedule as directed by the Board. Should the designated work site monitor suspect at any time during the probationary period that Respondent has abused alcohol or drugs, they shall notify the Board immediately.

In the event of suspected abuse, the monitor shall make at least oral notification within one business day of the occurrence, and shall be followed by written

notification within two business days of the occurrence. If, for any reason, including change of employment, Respondent is no longer able to be monitored by the approved work site monitor, within 10 days Respondent shall designate a new work site monitor for approval by the Board. Failure to timely identify an acceptable initial or replacement work site monitor, or to ensure monthly reports are submitted to the Board by the monitor, shall be considered a violation of probation.

Within 30 days of being approved by the Board, the work site monitor shall sign an affirmation that they have reviewed the terms and conditions of Respondent's disciplinary order and agree to monitor Respondent. The work site monitor shall at least: 1) Have regular face-to-face contact with Respondent in the work environment, at least once per week or with greater frequency if required by the Board; 2) Interview other staff in the office regarding Respondent's behavior, if applicable; and 3) Review Respondent's work attendance.

The written reports submitted to the Board by the work site monitor shall include at least the following information: Respondent's name and license number; the monitor's name, license number and work site location; the date(s) the monitor had face-to-face contact with Respondent; the staff interviewed, if applicable; an attendance report; notes on any changes in Respondent's behavior or personal habits; notes on any indicators that may lead to substance abuse; and the work site monitor's signature.

Respondent shall complete the required consent forms and sign an agreement with the work site monitor and the Board to allow the Board to communicate with the work site monitor.

## 16. VIOLATION OF PROBATION

If Respondent has not complied with any term or condition of probation, the Board shall have continuing jurisdiction over Respondent, and the Board shall provide notice to Respondent that probation shall automatically be extended, until all terms and conditions have been satisfied or the Board has taken other action as deemed appropriate to treat the failure to comply as a violation of probation, to terminate probation, and to impose the penalty that was stayed. The Board or its designee may post a notice of the extended probation period on its website.

If Respondent violates probation in any respect, the Board, after giving Respondent notice and an opportunity to be heard, may revoke probation and carry out the disciplinary order that was stayed. If a petition to revoke probation or an accusation is filed against Respondent during probation, or the preparation of an accusation or petition to revoke probation is requested from the Office of the Attorney General, the Board shall have continuing jurisdiction and the period of probation shall be automatically extended until the petition to revoke probation or accusation is heard and decided.

#### 17. COMPLETION OF PROBATION

Upon written notice by the Board or its designee indicating successful completion of probation, Respondent's license will be fully restored.

DATE: 04/02/2025



JULIE CABOS OWEN

Administrative Law Judge

Office of Administrative Hearings

1 ROB BONTA  
Attorney General of California  
2 NANCY A. KAISER  
Supervising Deputy Attorney General  
3 SHAWN P. COOK  
Supervising Deputy Attorney General  
4 State Bar No. 117851  
300 So. Spring Street, Suite 1702  
5 Los Angeles, CA 90013  
Telephone: (213) 269-6291  
6 Facsimile: (916) 731-2126  
E-mail: Shawn.Cook@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. 7814

13 **TRACI MONCRIEF**  
440 1/2 W. 73rd Street  
14 Los Angeles, CA 90003

**ACCUSATION**

15 **Pharmacy Technician License No. TCH**  
**96971**

16 Respondent.  
17

18 **PARTIES**

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

21 2. On or about December 23, 2009, the Board issued Pharmacy Technician License  
22 Number TCH 96971 to Traci Moncrief (Respondent). The Pharmacy Technician License was in  
23 full force and effect at all times relevant to the charges brought herein and will expire on May 31,  
24 2025, unless renewed.

25 **JURISDICTION**

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

28 ///



1 inquire into the circumstances surrounding the commission of the crime, in order to  
2 fix the degree of discipline or, in the case of a conviction not involving controlled  
3 substances or dangerous drugs, to determine if the conviction is of an offense  
4 substantially related to the qualifications, functions, and duties of a licensee under this  
5 chapter. A plea or verdict of guilty or a conviction following a plea of nolo  
6 contendere is deemed to be a conviction within the meaning of this provision. The  
7 board may take action when the time for appeal has elapsed, or the judgment of  
8 conviction has been affirmed on appeal or when an order granting probation is made  
9 suspending the imposition of sentence, irrespective of a subsequent order under  
10 Section 1203.4 of the Penal Code allowing the person to withdraw his or her plea of  
11 guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or  
12 dismissing the accusation, information, or indictment.

7 8. Section 4307 states:

8 (a) Any person who has been denied a license or whose license has been  
9 revoked or is under suspension, or who has failed to renew his or her license while it  
10 was under suspension, or who has been a manager, administrator, owner, member,  
11 officer, director, associate, partner, or any other person with management or control  
12 of any partnership, corporation, trust, firm, or association whose application for a  
13 license has been denied or revoked, is under suspension or has been placed on  
14 probation, and while acting as the manager, administrator, owner, member, officer,  
15 director, associate, partner, or any other person with management or control had  
16 knowledge of or knowingly participated in any conduct for which the license was  
17 denied, revoked, suspended, or placed on probation, shall be prohibited from serving  
18 as a manager, administrator, owner, member, officer, director, associate, partner, or in  
19 any other position with management or control of a licensee as follows:

15 (1) Where a probationary license is issued or where an existing license is placed  
16 on probation, this prohibition shall remain in effect for a period not to exceed five  
17 years.

17 (2) Where the license is denied or revoked, the prohibition shall continue until  
18 the license is issued or reinstated.

18 (b) "Manager, administrator, owner, member, officer, director, associate,  
19 partner, or any other person with management or control of a license" as used in this  
20 section and Section 4308, may refer to a pharmacist or to any other person who serves  
21 in such capacity in or for a licensee.

21 (c) The provisions of subdivision (a) may be alleged in any pleading filed  
22 pursuant to Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of  
23 the Government Code. However, no order may be issued in that case except as to a  
24 person who is named in the caption, as to whom the pleading alleges the applicability  
25 of this section, and where the person has been given notice of the proceeding as  
26 required by Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of  
27 the Government Code. The authority to proceed as provided by this subdivision shall  
28 be in addition to the board's authority to proceed under Section 4339 or any other  
provision of law.

26 ///

27 ///

28 ///

1 **REGULATORY PROVISIONS**

2 9. California Code of Regulations, title 16, section 1770, states:

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

13 (1) The nature and gravity of the offense;

14 (2) The number of years elapsed since the date of the offense; and

15 (3) The nature and duties of the practice, profession, or occupation that may be  
16 performed under the license type sought or held.

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

19 (1) Violate or attempt to violate, directly or indirectly, or to aid, abet or  
20 conspire to violate, any provision of law of this state, or any other jurisdiction,  
21 governing the practice of pharmacy.

22 (2) Violate or attempt to violate, directly or indirectly, or to aid, abet or  
23 conspire to violate, any provision of Chapter 13 (commencing with Section 801 ) of  
24 Title 21 of the United States Code regulating controlled substances or any law of this  
25 state, or any other jurisdiction, relating to controlled substances or dangerous drugs.

26 (3) Violate or attempt to violate, directly or indirectly, or to aid, abet or  
27 conspire to violate, any provision of law of this state, or any other jurisdiction,  
28 relating to government provided or government supported healthcare.

(4) Involve dishonesty, fraud, deceit, or corruption related to money, items,  
documents, or personal information.

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

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

///

1 **FIRST CAUSE FOR DISCIPLINE**

2 **(January 19, 2023 Conviction – DUI on May 18, 2022)**

3 11. Respondent is subject to disciplinary action under Code sections 490 and 4301,  
4 subdivision (l), in conjunction with California Code of Regulations, title 16, section 1770,  
5 subdivision (c)(5), in that Respondent was convicted of a crime substantially related to the  
6 qualifications, functions, and duties of a pharmacy technician. Specifically, on or about January  
7 19, 2023, Respondent was convicted of violating Vehicle Code section 23152(b) (driving while  
8 having a 0.08% or more, by weight of alcohol, in her blood), in the criminal proceeding titled:  
9 *The People of the State of California v. Traci Moncrief* (Super Ct. Los Angeles County, 2022, No.  
10 2MN02721). The court sentenced Respondent to serve 15 days in jail and placed her on 60-  
11 months of probation, with terms and conditions.

12 12. The circumstances surrounding the conviction are that on or about May 18, 2022, at  
13 approximately 10:40 p.m., California Highway Patrol officers were dispatched to a traffic  
14 collision involving Respondent. Upon speaking with Respondent, the officer noticed she  
15 displayed objective symptoms of alcohol intoxication. Respondent admitted to drinking an  
16 alcoholic beverage prior to driving. At approximately 1:43 a.m., Respondent submitted a blood  
17 test that revealed a blood alcohol concentration (BAC) of 0.227%.

18 **SECOND CAUSE FOR DISCIPLINE**

19 **(Dangerous Use of Alcohol)**

20 13. Respondent is subject to disciplinary action under Code section 4301, subdivision (h),  
21 in that on or about May 18, 2022, Respondent used alcoholic beverages to the extent or in a  
22 manner as to be dangerous or injurious to herself, another person, or the public. Complainant  
23 refers to, and by this reference, incorporates the allegations set forth above in paragraphs 11 and  
24 12, inclusive, as though set forth fully.

25 **OTHER MATTERS**

26 14. Pursuant to Code section 4307, if discipline is imposed on Pharmacy Technician  
27 License Number TCH 96971 issued to Traci Moncrief, Traci Moncrief shall be prohibited from  
28 serving as a manager, administrator, owner, member, officer, director, associate, or partner of a

1 licensee for five years if Pharmacy Technician License Number TCH 96971 is placed on  
2 probation or until Pharmacy Technician License Number TCH 96971 is reinstated if it is revoked.

3 **PRAYER**

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

6 1. Revoking or suspending Pharmacy Technician License Number TCH 96971, issued  
7 to Traci Moncrief;

8 2. Prohibiting Traci Moncrief from serving as a manager, administrator, owner,  
9 member, officer, director, associate, or partner of a licensee for five years if Pharmacy Technician  
10 License Number TCH 96971 is placed on probation or until Pharmacy Technician License  
11 Number TCH 96971 is reinstated if it is revoked;

12 3. Ordering Traci Moncrief to pay the Board of Pharmacy the reasonable costs of the  
13 investigation and enforcement of this case, pursuant to Business and Professions Code section  
14 125.3; and, if placed on probation, the costs of probation monitoring; and,

15 4. Taking such other and further action as deemed necessary and proper.

16  
17  
18 DATED: 8/16/2024

18 Sodergren, Anne@DCA  
19 Digitally signed by Sodergren, Anne@DCA  
Date: 2024.08.16 11:13:13 -07'00'  
20 ANNE SODERGREN  
21 Executive Officer  
22 Board of Pharmacy  
23 Department of Consumer Affairs  
24 State of California  
25 Complainant

26 LA2024601706  
27 Jz(7/18/24)  
66942713.docx