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

In the Matter of the Accusation Against:

**JASMINE OSORIO
10130 El Poche Street
South El Monte, CA 91733**

**Pharmacy Technician License No. TCH
149445**

Respondent.

Case No. 7815

DEFAULT DECISION AND ORDER

[Gov. Code, §11520]

FINDINGS OF FACT

1. On or about July 28, 2024, Complainant Anne Sodergren, in her official capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs, filed Accusation No. 7815 against Jasmine Osorio (Respondent) before the Board of Pharmacy. (Accusation attached as Exhibit A.)

2. On or about July 8, 2015, the Board of Pharmacy (Board) issued Pharmacy Technician License No. TCH 149445 to Respondent. The Pharmacy Technician License was in

1 full force and effect at all times relevant to the charges brought in Accusation No. 7815 and will
2 expire on December 31, 2024, unless renewed.

3 3. On or about August 8, 2024, Respondent was served by Certified and First Class Mail
4 copies of the Accusation No. 7815, Statement to Respondent, Notice of Defense, Request for
5 Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6, and 11507.7) at
6 Respondent's address of record which, pursuant to Business and Professions Code section 4100,
7 is required to be reported and maintained with the Board. Respondent's address of record was
8 and is:

9 10130 El Poche Street
10 South El Monte, CA 91733.

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

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

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

19 6. The Board takes official notice of its records and the fact that Respondent failed to
20 file a Notice of Defense within 15 days after service upon her of the Accusation, and therefore
21 waived her right to a hearing on the merits of Accusation No. 7815.

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

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

27 8. Pursuant to its authority under Government Code section 11520, the Board finds
28 Respondent is in default. The Board will take action without further hearing and, based on the
relevant evidence contained in the Default Decision Investigatory Evidence Packet in this matter,
finds that the charges and allegations in Accusation No. 7815, are separately and severally, found
to be true and correct by clear and convincing evidence.

1 9. The Board finds that the actual costs for Investigation and Enforcement are \$1,952.25 as of
2 September 19, 2024.

3
4 **DETERMINATION OF ISSUES**

5 1. Based on the foregoing findings of fact, Respondent Jasmine Osorio has subjected her
6 Pharmacy Technician License No. TCH 149445 to discipline.

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

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

11 a. Conviction substantially related to the qualifications, functions, and duties [June 26,
12 2013 conviction of DUI] – Code sections 490 and 4301(l), in conjunction with California Code of
13 Regulations, title 16, section 1770(c)(5);

14 b. Conviction substantially related to the qualifications, functions, and duties [June 22,
15 2013 conviction of DUI] – Code sections 490 and 4301(l), in conjunction with California Code of
16 Regulations, title 16, section 1770(c)(5);

17 c. Multiple convictions involving the use of alcoholic beverages – Code section
18 4301(k); and

19 d. Dangerous use of alcohol – Code section 4301(h).

20
21 **ORDER**

22 IT IS SO ORDERED that Pharmacy Technician License No. TCH 149445, issued to
23 Respondent Jasmine Osorio, is revoked.

24 IT IS SO ORDERED that pursuant to Code section 4307, Jasmine Osorio shall be
25 prohibited from serving as a manager, administrator, owner, member, officer, director, associate,
26 or partner of a licensee until Pharmacy Technician License Number TCH 149445 is reinstated.

27 Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a
28 written motion requesting that the Decision be vacated and stating the grounds relied on within

1 seven (7) days after service of the Decision on Respondent. The agency in its discretion may
2 vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

3 This Decision shall become effective at 5:00 p.m. on November 20, 2024.

4 It is so ORDERED on October 21, 2024.

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BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

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default decision LIC.docx
DOJ Matter ID:LA2024601708



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Attachment:
Exhibit A: Accusation

By _____

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Seung W. Oh, Pharm.D.
Board President

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Exhibit A

Accusation

1 ROB BONTA
Attorney General of California
2 THOMAS L. RINALDI
Supervising Deputy Attorney General
3 ARMANDO ZAMBRANO
Supervising Deputy Attorney General
4 State Bar No. 225325
300 So. Spring Street, Suite 1702
5 Los Angeles, CA 90013
Telephone: (213) 269-6322
6 Facsimile: (916) 731-2126
E-mail: Armando.Zambrano@doj.ca.gov
7 *Attorneys for Complainant*

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

11
12 In the Matter of the Accusation Against:

Case No. 7815

13 **JASMINE OSORIO**
10130 El Poche Street
14 South El Monte, CA 91733

ACCUSATION

15 **Pharmacy Technician License No.**
TCH 149445

16 Respondent.
17

18
19 **PARTIES**

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

22 2. On or about July 8, 2015, the Board issued Pharmacy Technician License Number
23 TCH 149445 to Jasmine Osorio (Respondent). The Pharmacy Technician License was in full
24 force and effect at all times relevant to the charges brought herein and will expire on December
25 31, 2024, unless renewed.

26 **JURISDICTION**

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

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

17
18 8. Section 4307 states:

19 (a) Any person who has been denied a license or whose license has been
20 revoked or is under suspension, or who has failed to renew his or her license while it
21 was under suspension, or who has been a manager, administrator, owner, member,
22 officer, director, associate, partner, or any other person with management or control
23 of any partnership, corporation, trust, firm, or association whose application for a
24 license has been denied or revoked, is under suspension or has been placed on
25 probation, and while acting as the manager, administrator, owner, member, officer,
26 director, associate, partner, or any other person with management or control had
27 knowledge of or knowingly participated in any conduct for which the license was
28 denied, revoked, suspended, or placed on probation, shall be prohibited from serving
as a manager, administrator, owner, member, officer, director, associate, partner, or in
any other position with management or control of a licensee as follows:

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

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

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

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

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 **(June 26, 2023 Conviction - DUI)**

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 pharmacist. On or about June 26, 2023, after her plea of
7 nolo contendere, Respondent was convicted of violating Vehicle Code section 23152(b) (driving
8 while having a 0.08% or more by weight of alcohol in her blood) in the criminal proceeding
9 titled: *The People of the State of California v. Jasmine Argelia Osorio aka Jasmine Osorio* (Super
10 Ct. Los Angeles County, 2022, No. 3EM00207). The court sentenced Respondent to serve 96
11 hours in jail and placed her on three-years of probation with terms and conditions.

12 12. The circumstances surrounding the conviction are that on or about June 4, 2022, at
13 approximately 10:45 p.m., an El Monte police officer initiated an enforcement stop involving
14 Respondent. Upon speaking with Respondent, the officer noticed a strong odor of an alcoholic
15 beverage emitting from her breath and watery eyes. Respondent admitted to drinking alcoholic
16 beverages prior to driving. At approximately 1:36 a.m., Respondent submitted two blood samples
17 that revealed a blood alcohol concentration (BAC) of 0.243% and 0.243%, respectively.

18 **SECOND CAUSE FOR DISCIPLINE**

19 **(June 22, 2023 Conviction - DUI)**

20 13. Respondent is subject to disciplinary action under Code sections 490 and 4301,
21 subdivision (l), in conjunction with California Code of Regulations, title 16, section 1770,
22 subdivision (c)(5), in that Respondent was convicted of a crime substantially related to the
23 qualifications, functions, and duties of a pharmacist. On or about June 26, 2023, after her plea of
24 nolo contendere, Respondent was convicted of violating Vehicle Code section 23152(b) (driving
25 while having a 0.08% or more by weight of alcohol in her blood) in the criminal proceeding
26 titled: *The People of the State of California v. Jasmine Osorio* (Super Ct. Los Angeles County,
27 2022, No. 3BL00846). The court placed Respondent on 36 months of probation with terms and
28 conditions.

PRAYER

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

1. Revoking or suspending Pharmacy Technician License Number TCH 149445, issued to Jasmine Osorio;

2. Prohibiting Jasmine Osorio from serving as a manager, administrator, owner, member, officer, director, associate, or partner of a licensee for five years if Pharmacy Technician License Number TCH 149445 is placed on probation or until Pharmacy Technician License Number TCH 149445 is reinstated if it is revoked;

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

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

DATED: 7/28/2024

Sodergren,
Anne@DCA
ANNE SODERGREN
Executive Officer
Board of Pharmacy
Department of Consumer Affairs
State of California
Complainant

Digitally signed by Sodergren,
Anne@DCA
Date: 2024.07.28 13:04:00 -07'00'

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