

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

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

**JOSEFINA CRYSTAL VARGAS, Respondent**

**Pharmacy Technician License No. TCH 141051**

**Agency Case No. 7839**

**DECISION AND ORDER**

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

This Decision shall become effective at 5:00 p.m. on December 12, 2024.

It is so ORDERED on November 12, 2024.

BOARD OF PHARMACY  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

By



Seung W. Oh, Pharm.D.  
Board President

1 ROB BONTA  
Attorney General of California  
2 MARICHELLE S. TAHIMIC  
Supervising Deputy Attorney General  
3 ERIN M. SUNSERI  
Supervising Deputy Attorney General  
4 State Bar No. 207031  
600 West Broadway, Suite 1800  
5 San Diego, CA 92101  
P.O. Box 85266  
6 San Diego, CA 92186-5266  
Telephone: (619) 738-9419  
7 Facsimile: (619) 645-2061  
*Attorneys for Complainant*

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

12 In the Matter of the Accusation Against:

Case No. 7839

13 **JOSEFINA CRYSTAL VARGAS**  
14 **4731 Yuma Ave. #G**  
15 **Oceanside, CA 92057**

**STIPULATED SURRENDER OF  
LICENSE AND ORDER**

16 **Pharmacy Technician License No. TCH  
141051**

17 Respondent.

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

21 **PARTIES**

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

26 2. Josefina Crystal Vargas (Respondent) is representing herself in this proceeding and  
27 has chosen not to exercise her right to be represented by counsel.

28 ///



**CONTINGENCY**

1  
2       10. This stipulation shall be subject to approval by the Board. Respondent understands  
3 and agrees that counsel for Complainant and the staff of the Board may communicate directly  
4 with the Board regarding this stipulation and surrender, without notice to or participation by  
5 Respondent. By signing the stipulation, Respondent understands and agrees that she may not  
6 withdraw her agreement or seek to rescind the stipulation prior to the time the Board considers  
7 and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order, the  
8 Stipulated Surrender and Disciplinary Order shall be of no force or effect, except for this  
9 paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not  
10 be disqualified from further action by having considered this matter.

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

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

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

**ORDER**

22  
23       IT IS HEREBY ORDERED that Pharmacy Technician License No. TCH 141051, issued to  
24 Respondent Josefina Crystal Vargas, is surrendered and accepted by the Board.

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

1 of Business and Professions Code section 4307, this stipulated surrender is the same as a  
2 revocation.

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

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

7 4. If she ever applies for licensure or petitions for reinstatement in the State of  
8 California, the Board shall treat it as a new application for licensure. Respondent must comply  
9 with all the laws, regulations and procedures for licensure in effect at the time the application or  
10 petition is filed, and all of the charges and allegations contained in Accusation No. 7839 shall be  
11 deemed to be true, correct and admitted by Respondent when the Board determines whether to  
12 grant or deny the application or petition.

13 5. Respondent shall pay the agency its costs of investigation and enforcement in the  
14 amount of \$1,163.50 prior to issuance of a new or reinstated license.

15 6. If Respondent should ever apply or reapply for a new license or certification, or  
16 petition for reinstatement of a license, by any other health care licensing agency in the State of  
17 California, all of the charges and allegations contained in Accusation No. 7839 shall be deemed to  
18 be true, correct, and admitted by Respondent for the purpose of any Statement of Issues or any  
19 other proceeding seeking to deny or restrict licensure.

20 7. Respondent shall not apply for or petitioning for reinstatement of any license before  
21 the Board for three (3) years from the effective date of this decision and order.

22 **ACCEPTANCE**

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

27 DATED: \_\_\_\_\_

28 JOSEFINA CRYSTAL VARGAS  
*Respondent*

///

1 of Business and Professions Code section 4307, this stipulated surrender is the same as a  
2 revocation.

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

27 DATED: 10/03/2024

*Josefina C Vargas*

JOSEFINA CRYSTAL VARGAS

*Respondent*

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**ENDORSEMENT**

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

DATED: \_\_\_\_\_

Respectfully submitted,

ROB BONTA  
Attorney General of California  
MARICHELLE S. TAHIMIC  
Supervising Deputy Attorney General

ERIN M. SUNSERI  
Supervising Deputy Attorney General  
*Attorneys for Complainant*

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**ENDORSEMENT**

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

DATED: 10/4/2024

Respectfully submitted,

ROB BONTA  
Attorney General of California  
MARICHELLE S. TAHIMIC  
Supervising Deputy Attorney General



ERIN M. SUNSERI  
Supervising Deputy Attorney General  
*Attorneys for Complainant*

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**Exhibit A**

**Accusation No. 7839**

1 ROB BONTA  
Attorney General of California  
2 MARICHELLE S. TAHIMIC  
Supervising Deputy Attorney General  
3 ERIN M. SUNSERI  
Supervising Deputy Attorney General  
4 State Bar No. 207031  
600 West Broadway, Suite 1800  
5 San Diego, CA 92101  
P.O. Box 85266  
6 San Diego, CA 92186-5266  
Telephone: (619) 738-9419  
7 Facsimile: (619) 645-2061  
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12 **STATE OF CALIFORNIA**

13 In the Matter of the Accusation Against:

Case No. 7839

14 **JOSEFINA CRYSTAL VARGAS**  
15 **5184 Andrew Jackson St.**  
**Oceanside, CA 92057**

**ACCUSATION**

16 **Pharmacy Technician License No. TCH**  
17 **141051**

18 Respondent.

19  
20 **PARTIES**

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

23 2. On or about August 1, 2014, the Board issued Pharmacy Technician License Number  
24 TCH 141051 to Josefina Crystal Vargas (Respondent). The Pharmacy Technician License  
25 expired on March 31, 2024, and has not been renewed.

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**JURISDICTION**

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

4. Code section 4300 provides, in pertinent part, that every license issued may be suspended or revoked.

5. Code section 4300.1 states:

The expiration, cancellation, forfeiture, or suspension of a board-issued license by operation of law or by order or decision of the board or a court of law, the placement of a license on a retired status, or the voluntary surrender of a license by a licensee shall not deprive the board of jurisdiction to commence or proceed with any investigation of, or action or disciplinary proceeding against, the licensee or to render a decision suspending or revoking the license.

6. Code section 4307, subdivision (a) states:

Any person who has been denied a license or whose license has been revoked or is under suspension, or who has failed to renew his or her license while it was under suspension, or who has been a manager, administrator, owner member, officer, director, associate, or partner of any partnership, corporation, firm, or association whose application for a license has been denied or revoked, is under suspension or has been placed on probation, and while acting as the manger, administrator, owner, member, officer, director, associate, or partner had knowledge or knowingly participated in any conduct for which the license was denied, revoked, suspended, or placed on probation, shall be prohibited from serving as a manger, administrator, owner, member, officer, director, associate, or partner 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.

**STATUTORY PROVISIONS**

7. Code section 490 provides, in pertinent part, that a board may suspend or revoke a license on the ground that the licensee has been convicted of a crime substantially related to the qualifications, functions, or duties of the business or profession for which the license was issued.

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1 8. Code section 493 states:

2 (a) Notwithstanding any other law, in a proceeding conducted by a board within  
3 the department pursuant to law to deny an application for a license or to suspend or  
4 revoke a license or otherwise take disciplinary action against a person who holds a  
5 license, upon the ground that the applicant or the licensee has been convicted of a  
6 crime substantially related to the qualifications, functions, and duties of the licensee  
7 in question, the record of conviction of the crime shall be conclusive evidence of the  
8 fact that the conviction occurred, but only of that fact.

9 (b) (1) Criteria for determining whether a crime is substantially related to the  
10 qualifications, functions, or duties of the business or profession the board regulates  
11 shall include all of the following:

12 (A) The nature and gravity of the offense.

13 (B) The number of years elapsed since the date of the offense.

14 (C) The nature and duties of the profession.

15 (2) A board shall not categorically bar an applicant based solely on the type  
16 of conviction without considering evidence of rehabilitation.

17 . . . .

18 9. Section 4011 of the Code provides that the Board shall administer and enforce both  
19 the Pharmacy Law [Bus. & Prof. Code, § 4000 et seq.] and the Uniform Controlled Substances  
20 Act [Health & Safety Code, § 11000 et seq.].

21 10. Code section 4301 states:

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

25 . . .

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

. . .

(l) The conviction of a crime substantially related to the qualifications,  
functions, and duties of a licensee under this chapter. The record of conviction of a  
violation of Chapter 13 (commencing with Section 801) of Title 21 of the United  
States Code regulating controlled substances or of a violation of the statutes of this  
state regulating controlled substances or dangerous drugs shall be conclusive  
evidence of unprofessional conduct. In all other cases, the record of conviction shall  
be conclusive evidence only of the fact that the conviction occurred. The board may  
inquire into the circumstances surrounding the commission of the crime, in order to  
fix the degree of discipline or, in the case of a conviction not involving controlled

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

11 . . . .

## 12 REGULATORY PROVISIONS

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

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

24 (1) Nature and gravity of the act(s) or offenses.

25 (2) Total criminal record.

26 (3) The time that has elapsed since commission of the act(s) or offenses.

27 (4) Whether the licensee has complied with all terms of parole, probation,  
28 restitution or any other sanctions lawfully imposed against the licensee.

(5) The criteria in subdivisions (b)(1)(A) through (E), as applicable.

(6) Evidence, if any, of rehabilitation submitted by the licensee, including as  
provided in the board's Disciplinary Guidelines, identified in section 1760.

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

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

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

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

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

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

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

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

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

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

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

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

### 20 **COST RECOVERY**

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

### 27 **FACTUAL ALLEGATIONS**

28 14. In a criminal proceeding entitled *The People of the State of California v. Josefina  
Vargas*, San Diego Superior Court case number SCN441641, Respondent was charged with  
violating Penal Code section 245, subdivision (a)(1) (assault with a deadly weapon) [Count 1],  
Penal Code section 242 (battery) [Count 2], and Penal Code section 245, subdivision (a)(4)  
(assault: great bodily injury likely) [Count 3]. On July 19, 2023, Respondent was convicted on  
her plea of guilty to Count 3, a felony, and sentenced to formal probation for a period of two

1 years. The terms of her probation required her to maintain full-time employment, attend  
2 counseling, pay restitution, and pay fines and fees, among other things. The remaining charges  
3 were dismissed pursuant to the plea agreement.

4 15. On March 5, 2023, victims N.C. and R.P. were at a bar when Respondent approached  
5 them and punched N.C. in the face, causing swelling. Approximately 20 minutes later,  
6 Respondent and her boyfriend again approached N.C. and R.P., and an argument ensued.  
7 Respondent then swung a glass bottle at R.P.'s head, causing a laceration on his right cheek.  
8 Oceanside Police Department officers responded to the scene. During questioning, Respondent  
9 admitted to punching N.C. in the face. N.C. and R.P. did not know Respondent prior to this  
10 encounter.

11 **FIRST CAUSE FOR DISCIPLINE**

12 **(Substantially Related Conviction)**

13 16. Respondent has subjected her pharmacy technician license to disciplinary action  
14 under Code sections 490 and 4301, subdivision (l), in that she was convicted of a crime that is  
15 substantially related to the qualifications, functions, and duties of a pharmacy technician, as set  
16 forth full in paragraphs 14 and 15, incorporated here by reference.

17 **SECOND CAUSE FOR DISCIPLINE**

18 **(Commission of Acts Involving Moral Turpitude, Dishonesty, Fraud, Deceit, or Corruption)**

19 17. Respondent has subjected her pharmacy technician license to disciplinary action  
20 under Code section 4301, subdivision (f), in that she committed acts involving moral turpitude,  
21 dishonesty, fraud, deceit, or corruption, as set forth full in paragraphs 14 and 15, incorporated  
22 here by reference.

23 **OTHER MATTERS**

24 18. Pursuant to Code section 4307, if discipline is imposed on Pharmacy Technician  
25 License Number TCH 141051, issued to Josefina Crystal Vargas, she shall be prohibited from  
26 serving as a manager, administrator, owner, member, officer, director, associate, or partner of a  
27 licensee for five years if the Pharmacy Technician License is placed on probation or until the  
28 Pharmacy Technician License is reinstated, if it is revoked.

**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 141051, issued to Respondent Josefina Crystal Vargas;

2. Prohibiting Josefina Crystal Vargas 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 141051 is placed on probation or until the Pharmacy Technician License is reinstated, if it is revoked;

3. Ordering Josefina Crystal Vargas 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,

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*

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Anne@DCA  
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