

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

In the Matter of the Accusation Against:

DENISE MENDOZA ZAMORA, Respondent

Pharmacy Technician Registration No. TCH 175789

Agency Case No. 7165

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 January 5, 2022.

It is so ORDERED on December 6, 2021.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

A handwritten signature in black ink, appearing to read "Seung W. Oh". The signature is written in a cursive style with a large, sweeping initial "S".

Seung W. Oh, Pharm.D.
Board President

1 ROB BONTA
Attorney General of California
2 KAREN R. DENVER
Supervising Deputy Attorney General
3 KATELYN E. DOCHERTY
Deputy Attorney General
4 State Bar No. 322028
1300 I Street, Suite 125
5 P.O. Box 944255
Sacramento, CA 94244-2550
6 Telephone: (916) 210-6277
Facsimile: (916) 327-8643
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. 7165

13 **DENISE MENDOZA ZAMORA**

14 **2821 W. Caldwell #A**
Visalia, CA 93277

**STIPULATED SURRENDER OF
LICENSE AND ORDER**

15 **Pharmacy Technician Registration No.**
16 **175789**

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 Katelyn E. Docherty, Deputy Attorney
25 General.

26 2. Denise Mendoza Zamora (Respondent) is represented in this proceeding by attorney
27 Leah Alvarez, whose address is: 220 S. Mooney Blvd, Suite D, Visalia Ca, 93291.

28 ///

1 3. On or about February 7, 2020, the Board issued Pharmacy Technician Registration
2 No. 175789 to Denise Mendoza Zamora (Respondent). The Pharmacy Technician Registration
3 was in full force and effect at all times relevant to the charges brought in Accusation No. 7165
4 and expired on September 30, 2021, and has not been renewed.

5 **JURISDICTION**

6 4. Accusation No. 7165 was filed before the Board, and is currently pending against
7 Respondent. The Accusation and all other statutorily required documents were properly served
8 on Respondent on September 23, 2021. Respondent timely filed her Notice of Defense contesting
9 the Accusation. A copy of Accusation No. 7165 is attached as Exhibit A and incorporated by
10 reference.

11 **ADVISEMENT AND WAIVERS**

12 5. Respondent has carefully read, fully discussed with counsel, and understands the
13 charges and allegations in Accusation No. 7165. Respondent also has carefully read, fully
14 discussed with counsel, and understands the effects of this Stipulated Surrender of License and
15 Order.

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

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

24 **CULPABILITY**

25 8. Respondent admits the truth of each and every charge and allegation in Accusation
26 No. 7165, agrees that cause exists for discipline and hereby surrenders her Pharmacy Technician
27 Registration No. 175789 for the Board's formal acceptance.

28 ///

1 9. Respondent understands that by signing this stipulation she enables the Board to issue
2 an order accepting the surrender of her Pharmacy Technician Registration without further
3 process.

4 **CONTINGENCY**

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

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

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

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

25 **ORDER**

26 IT IS HEREBY ORDERED that Pharmacy Technician Registration No. 175789, issued to
27 Respondent Denise Mendoza Zamora, is surrendered and accepted by the Board.

28 ///

1 1. The surrender of Respondent's Pharmacy Technician Registration and the acceptance
2 of the surrendered license by the Board shall constitute the imposition of discipline against
3 Respondent. This stipulation constitutes a record of the discipline and shall become a part of
4 Respondent's license history with the Board.

5 2. Respondent shall lose all rights and privileges as a Pharmacy Technician in California
6 as of the effective date of the Board's Decision and Order.

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

9 4. If Respondent ever files an application for licensure or a petition for reinstatement in
10 the State of California, the Board shall treat it as a petition for reinstatement. Respondent must
11 comply with all the laws, regulations and procedures for reinstatement of a revoked or
12 surrendered license in effect at the time the petition is filed, and all of the charges and allegations
13 contained in Accusation No. 7165 shall be deemed to be true, correct and admitted by Respondent
14 when the Board determines whether to grant or deny the petition.

15 5. Respondent shall pay the agency its costs of investigation and enforcement in the
16 amount of \$12,790.00 prior to issuance of a new or reinstated license.

17 6. If Respondent should ever apply or reapply for a new license or certification, or
18 petition for reinstatement of a license, by any other health care licensing agency in the State of
19 California, all of the charges and allegations contained in Accusation, No. 7165 shall be deemed
20 to be true, correct, and admitted by Respondent for the purpose of any Statement of Issues or any
21 other proceeding seeking to deny or restrict licensure.

22 ///
23 ///
24 ///
25 ///
26 ///
27 ///
28 ///

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

ACCEPTANCE

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

DATED: _____
DENISE MENDOZA ZAMORA
Respondent

I have read and fully discussed with Respondent Denise Mendoza Zamora the terms and conditions and other matters contained in this Stipulated Surrender of License and Order. I approve its form and content.

DATED: _____
LEAH ALVAREZ
Attorney for Respondent

ENDORSEMENT

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

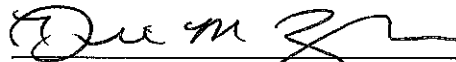
DATED: _____
Respectfully submitted,
ROB BONTA
Attorney General of California
KAREN R. DENVIR
Supervising Deputy Attorney General

KATELYN E. DOCHERTY
Deputy Attorney General
Attorneys for Complainant

1 ACCEPTANCE

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

7
8 DATED: 10/18/21


9 DENISE MENDOZA ZAMORA
Respondent

10 I have read and fully discussed with Respondent Denise Mendoza Zamora the terms and
11 conditions and other matters contained in this Stipulated Surrender of License and Order. I
12 approve its form and content.

13 DATED: 10/18/21



14 LEAH ALVAREZ
Attorney for Respondent

15
16 ENDORSEMENT

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

19 DATED: 10/18/2021

20 Respectfully submitted,
21 ROB BONTA
Attorney General of California
22 KAREN R. DENVIR
Supervising Deputy Attorney General


23 KATELYN E. DOCHERTY
24 Deputy Attorney General
25 Attorneys for Complainant

26
27 SA2021303425
28 35523207.docx

Exhibit A

Accusation No. 7165

1 ROB BONTA
Attorney General of California
2 KAREN R. DENVER
Supervising Deputy Attorney General
3 KATELYN E. DOCHERTY
Deputy Attorney General
4 State Bar No. 322028
1300 I Street, Suite 125
5 P.O. Box 944255
Sacramento, CA 94244-2550
6 Telephone: (916) 210-6277
Facsimile: (916) 327-8643
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. 7165

13 **DENISE MENDOZA ZAMORA**
14 **2821 W. Caldwell #A**
Visalia, CA 93277
15 **Pharmacy Technician Registration No.**
16 **175789**

ACCUSATION

17 Respondent.

18
19
20 **PARTIES**

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

23 2. On or about February 7, 2020, the Board of Pharmacy issued Pharmacy Technician
24 Registration Number 175789 to Denise Mendoza Zamora (Respondent). The Pharmacy
25 Technician Registration was in full force and effect at all times relevant to the charges brought
26 herein and will expire on September 30, 2021, unless renewed.

27 ///

28

1 **JURISDICTION**

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

5 4. Section 4300 of the Code states, in pertinent part:

6 (a) Every license issued may be suspended or revoked.

7 (b) The board shall discipline the holder of any license issued by the board,
8 whose default has been entered or whose case has been heard by the board and found
9 guilty, by any of the following methods:

10 (1) Suspending judgment.

11 (2) Placing him or her upon probation.

12 (3) Suspending his or her right to practice for a period not exceeding one year.

13 (4) Revoking his or her license.

14 (5) Taking any other action in relation to disciplining him or her as the board in
15 its discretion may deem proper.

16 ...

17 (e) The proceedings under this article shall be conducted in accordance with
18 Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of the
19 Government Code, and the board shall have all the powers granted therein. The
20 action shall be final, except that the propriety of the action is subject to review by the
21 superior court pursuant to Section 1094.5 of the Code of Civil Procedure.

22 5. Section 4300.1 of the Code states:

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

29 **STATUTORY PROVISIONS**

30 6. Section 4301 of the Code states, in pertinent part:

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

34 ...

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

4 ...

5 (j) The violation of any of the statutes of this state, of any other state, or of the
6 United States regulating controlled substances and dangerous drugs.

7 ...

8 (o) Violating or attempting to violate, directly or indirectly, or assisting in or
9 abetting the violation of or conspiring to violate any provision or term of this chapter
10 or of the applicable federal and state laws and regulations governing pharmacy,
11 including regulations established by the board or by any other state or federal
12 regulatory agency.

13 ...

14 (q) Engaging in any conduct that subverts or attempts to subvert an
15 investigation of the board.

16 7. Section 4022 of the Code states:

17 Dangerous drug or dangerous device means any drug or device unsafe for
18 self-use in humans or animals, and includes the following:

19 (a) Any drug that bears the legend: Caution: federal law prohibits dispensing
20 without prescription, Rx only, or words of similar import.

21 (b) Any device that bears the statement: Caution: federal law restricts this
22 device to sale by or on the order of a _____, Rx only, or words of similar
23 import, the blank to be filled in with the designation of the practitioner licensed to use
24 or order use of the device.

25 (c) Any other drug or device that by federal or state law can be lawfully
26 dispensed only on prescription or furnished pursuant to Section 4006.

27 8. Section 4059, subdivision (a), of the Code states:

28 (a) A person may not furnish any dangerous drug, except upon the prescription
of a physician, dentist, podiatrist, optometrist, veterinarian, or naturopathic doctor
pursuant to Section 3640.7. A person may not furnish any dangerous device, except
upon the prescription of a physician, dentist, podiatrist, optometrist, veterinarian, or
naturopathic doctor pursuant to Section 3640.7.

9. Section 4060 of the Code states:

No person shall possess any controlled substance, except that furnished to a
person upon the prescription of a physician, dentist, podiatrist, optometrist,
veterinarian, or naturopathic doctor pursuant to Section 3640.7, or furnished pursuant
to a drug order issued by a certified nurse-midwife pursuant to Section 2746.51, a
nurse practitioner pursuant to Section 2836.1, or a physician assistant pursuant to
Section 3502.1, or naturopathic doctor pursuant to Section 3640.5, or a pharmacist
pursuant to either subparagraph (D) of paragraph (4) of, or clause (iv) of

1 subparagraph (A) of paragraph (5) of, subdivision (a) of Section 4052. This section
2 shall not apply to the possession of any controlled substance by a manufacturer,
3 wholesaler, pharmacy, pharmacist, physician, podiatrist, dentist, optometrist,
4 veterinarian, naturopathic doctor, certified nurse-midwife, nurse practitioner, or
5 physician assistant, when in stock in containers correctly labeled with the name and
6 address of the supplier or producer.

7
8 Nothing in this section authorizes a certified nurse-midwife, a nurse
9 practitioner, a physician assistant, or a naturopathic doctor, to order his or her own
10 stock of dangerous drugs and devices.

11 **HEALTH AND SAFETY CODE PROVISIONS**

12 10. Health and Safety Code section 11173, subdivision (a), states:

13 No person shall obtain or attempt to obtain controlled substances, or procure
14 or attempt to procure the administration of or prescription for controlled
15 substances, (1) by fraud, deceit, misrepresentation, or subterfuge; or (2) by the
16 concealment of a material fact.

17 11. Health and Safety Code section 11350, subdivision (a), states:

18 Except as otherwise provided in this division, every person who possesses
19 (1) any controlled substance specified in subdivision (b), (c), (e), or paragraph (1)
20 of subdivision (f) of Section 11054, specified in paragraph (14), (15), or (20) of
21 subdivision (d) of Section 11054, or specified in subdivision (b) or (c) of Section
22 11055, or specified in subdivision (h) of Section 11056, or (2) any controlled
23 substance classified in Schedule III, IV, or V which is a narcotic drug, unless upon
24 the written prescription of a physician, dentist, podiatrist, or veterinarian licensed
25 to practice in this state, shall be punished by imprisonment in a county jail for not
26 more than one year, except that such person shall instead be punished pursuant to
27 subdivision (h) of Section 1170 of the Penal Code if that person has one or more
28 prior convictions for an offense specified in clause (iv) of subparagraph (C) of
paragraph (2) of subdivision (e) of Section 667 of the Penal Code or for an offense
requiring registration pursuant to subdivision (c) of Section 290 of the Penal Code.

12 12. Health and Safety Code section 11351 states:

13 Except as otherwise provided in this division, every person who possesses
14 for sale or purchases for purposes of sale (1) any controlled substance specified in
15 subdivision (b), (c), or (e) of Section 11054, specified in paragraph (14), (15), or
16 (20) of subdivision (d) of Section 11054, or specified in subdivision (b) or (c) of
17 Section 11055, or specified in subdivision (h) of Section 11056, or (2) any
18 controlled substance classified in Schedule III, IV, or V which is a narcotic drug,
19 shall be punished by imprisonment pursuant to subdivision (h) of Section 1170 of
20 the Penal Code for two, three, or four years.

21 ///

22 ///

23 ///

1 **COST RECOVERY**

2 13. Section 125.3 of the Code states, in pertinent part, that the Board may request the
3 administrative law judge to direct a licentiate found to have committed a violation or violations of
4 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
5 enforcement of the case.

6 **DRUG DESCRIPTIONS**

7 14. Alprazolam is the generic name of the drug Xanax and is a dangerous drug pursuant
8 to Code section 4022 and a controlled substance pursuant to Health and Safety Code section
9 11057, subdivision (d). Alprazolam is indicated for use for the treatment of anxiety.

10 15. Promethazine with codeine is the generic name for Phenergan with codeine and is a
11 dangerous drug pursuant to Code section 4022 and a controlled substance pursuant to Health and
12 Safety Code section 11058, subdivision (c). Promethazine with codeine is indicated for use for
13 the treatment of a cough.

14 16. Sertraline is the generic name for Zoloft and is a dangerous drug pursuant to Code
15 section 4022. Sertraline is indicated for use for the treatment of depression.

16
17 **FACTUAL ALLEGATIONS**

18 17. In and between April 1, 2020 and March 1, 2021, Respondent worked for Rite Aid
19 Pharmacy No. 6459 in Visalia, California (hereinafter Rite Aid), as a pharmacy technician.

20 18. On or about March 12, 2020, Rite Aid notified the Board that it had suffered a theft of
21 controlled substances by an employee as well as suffered a robbery.

22 19. On or about February 16, 2021, Rite Aid asset protection interviewed Respondent,
23 and she admitted to diverting alprazolam, promethazine with codeine, and Zoloft.

24 20. On or about February 16, 2021, Respondent wrote a statement admitting to diverting
25 alprazolam, promethazine with codeine, and Zoloft. Respondent admitted that she diverted the
26 drugs at the request of a friend who offered to give her money for stealing alprazolam and
27 promethazine with codeine for him. Respondent admitted to diverting two Zoloft tablets for her
28 own personal use.

21. On or about February 16, 2021, Respondent reviewed a drug utilization review (“DUR”) for the date range May 3, 2020 through January 11, 2021, and initialed next to all the medications she diverted. Respondent diverted over 1000 alprazolam tablets, and over \$140.00 worth of promethazine with codeine syrup.

22. On or about April 28, 2021, a Board of Pharmacy Investigator contacted Respondent via phone and requested that Respondent provide a written statement regarding the allegations set forth in paragraphs 17-21, above. Respondent failed to provide the Board with the requested statement.

FIRST CAUSE FOR DISCIPLINE

(Acts Involving Moral Turpitude, Dishonesty, Fraud, Deceit, or Corruption)

23. Respondent is subject to disciplinary action for unprofessional conduct pursuant to Code section 4301, subdivision (f), in that Respondent committed acts involving moral turpitude, dishonesty, fraud, deceit, or corruption. The circumstances are that Respondent diverted controlled substances and dangerous drugs from the Rite Aid pharmacy where she was employed, as set forth in paragraphs 17-21, above.

SECOND CAUSE FOR DISCIPLINE

(Violation of Laws Regulating Controlled Substances)

24. Respondent is subject to disciplinary action for unprofessional conduct pursuant to Code section 4301, subdivision (j), in that Respondent violated laws regulating controlled substances and dangerous drugs. The circumstances are as follows:

a. Respondent violated Health and Safety Code section 11173, subdivision (a), when she obtained controlled substances by fraud, deceit, misrepresentation, or subterfuge from the Rite Aid pharmacy where she was employed, as set forth in paragraphs 17-21, above.

b. Respondent violated Health and Safety Code section 11350, subdivision (a), by possessing a controlled substance specified in paragraph (b), of Health and Safety Code section 11057, alprazolam, without having a valid prescription for alprazolam at the time as set forth in paragraphs 17-21, above.

///

1 c. Respondent violated Health and Safety Code section 11351, by possessing for
2 sale a controlled substance specified in subdivision (b), of Health and Safety Code section 11057,
3 alprazolam, as set forth in paragraphs 17-21, above.

4 d. Respondent violated Health and Safety Code section 11350, subdivision (a), by
5 possessing a controlled substance specified in paragraph (b), of Health and Safety Code section
6 11058, promethazine with codeine, without having a valid prescription for promethazine with
7 codeine at the time as set forth in paragraphs 17-21, above.

8 e. Respondent violated Health and Safety Code section 11351, by possessing for
9 sale a controlled substance specified in subdivision (b), of Health and Safety Code section 11058,
10 promethazine with codeine, as set forth in paragraphs 17-21, above.

11 **THIRD CAUSE FOR DISCIPLINE**

12 (Violation of Laws Governing Pharmacy)

13 25. Respondent is subject to disciplinary action for unprofessional conduct pursuant to
14 Code section 4301, subdivision (o), in that Respondent violated state laws and regulations
15 governing pharmacy. The circumstances are as follows:

16 a. Respondent violated Code section 4059, subdivision (a), by furnishing
17 dangerous drugs, specifically alprazolam, promethazine with codeine, and Zoloft, to herself and
18 to unknown individuals who were not in possession of a valid prescription for said dangerous
19 drugs, as set forth in paragraphs 17-21, above.

20 b. Respondent violated Code section 4060 by possessing the controlled
21 substances, alprazolam and promethazine with codeine, without having a valid prescription for
22 said controlled substances, as set forth in paragraphs 17-21, above.

23 ///

24 ///

25 ///

26 ///

27 ///

28 ///

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 Registration Number 175789, issued to Denise Mendoza Zamora;
- 2. Ordering Denise Mendoza Zamora to pay the Board of Pharmacy the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3; and,
- 3. Taking such other and further action as deemed necessary and proper.

DATED: 9/17/2021 _____

Signature on File

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

SA2021303425
35319729.docx