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

12 In the Matter of the Accusation Against:	Case No. 3171
13 DOHELLE RENAE LEWIS	ACCUSATION
14 13607 Cordary Ave., #232	
15 Hawthorne, CA 90250	
16 Pharmacy Technician Registration No. TCH 12910	
17 Respondent.	

18 Complainant alleges:

19 PARTIES

- 20 1. Virginia Herold (Complainant) brings this Accusation solely in her official
capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs.
- 21 2. On or about May 17, 1994, the Board of Pharmacy issued Original
22 Pharmacy Technician Registration Number TCH 12910 to Dochelle Renae Lewis (Respondent).
23 The License was in full force and effect at all times relevant to the charges brought herein and
24 will expire on March 31, 2010 unless renewed.

25 JURISDICTION

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

1 4. Section 4300 permits the Board to take disciplinary action to suspend or
2 revoke a license issued by the Board.

3 5. Section 4301 states, in pertinent part:

4 “The board shall take action against any holder of a license who is guilty of
5 unprofessional conduct or whose license has been procured by fraud or misrepresentation or
6 issued by mistake. Unprofessional conduct shall include, but is not limited to, any of the
7 following:

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

11

12 “(l) The conviction of a crime substantially related to the qualifications, functions,
13 and duties of a licensee under this chapter. The record of conviction of a violation of Chapter 13
14 (commencing with Section 801) of Title 21 of the United States Code regulating controlled
15 substances or of a violation of the statutes of this state regulating controlled substances or
16 dangerous drugs shall be conclusive evidence of unprofessional conduct. In all other cases, the
17 record of conviction shall be conclusive evidence only of the fact that the conviction occurred.
18 The board may inquire into the circumstances surrounding the commission of the crime, in order
19 to fix the degree of discipline or, in the case of a conviction not involving controlled substances
20 or dangerous drugs, to determine if the conviction is of an offense substantially related to the
21 qualifications, functions, and duties of a licensee under this chapter. A plea or verdict of guilty
22 or a conviction following a plea of nolo contendere is deemed to be a conviction within the
23 meaning of this provision. The board may take action when the time for appeal has elapsed, or
24 the judgment of conviction has been affirmed on appeal or when an order granting probation is
25 made suspending the imposition of sentence, irrespective of a subsequent order under Section
26 1203.4 of the Penal Code allowing the person to withdraw his or her plea of guilty and to enter a
27 plea of not guilty, or setting aside the verdict of guilty, or dismissing the accusation, information,
28 or indictment.

6. Section 118, subdivision (b) states:

"The suspension, expiration, or forfeiture by operation of law of a license issued by a board in the department, or its suspension, forfeiture, or cancellation by order of the board or by order of a court of law, or its surrender without the written consent of the board, shall not, during any period in which it may be renewed, restored, reissued, or reinstated, deprive the board of its authority to institute or continue a disciplinary proceeding against the licensee upon any ground provided by law or to enter an order suspending or revoking the license or otherwise taking disciplinary action against the licensee on any such ground."

7. Business and Professions Code section 125.3, subdivision (a), states, in pertinent part: "Except as otherwise provided by law, in any order issued in resolution of a disciplinary proceeding before any board within the department . . . 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."

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

"For the purpose of denial, suspension, or revocation of a personal or facility license pursuant to Division 1.5 (commencing with Section 475) of the Business and Professions Code, a crime or act shall be considered substantially related to the qualifications, functions or duties of a licensee or registrant if to a substantial degree it evidences present or potential unfitness of a licensee or registrant to perform the functions authorized by his license or registration in a manner consistent with the public health, safety, or welfare."

FIRST CAUSE FOR DISCIPLINE

(Conviction of Crimes)

9. Respondent is subject to disciplinary action under sections 4300 and 4301(l) in that she was convicted of the following crimes:

a. On or around August 7, 2006, Respondent was convicted of one felony count of violating Penal Code section 666 (Theft with Prior Jail Term) in the Superior Court of California for the County of Los Angeles in a case entitled *The People of the State of California*

1 v. *Dochelle Renae Lewis* (Case No. KA075150.) The circumstances concerning the conviction
2 are that on or around May 21, 2006, Respondent and a companion entered a Fry's Electronics
3 store in the City of Industry, where they concealed six XBox 360 video games valued at \$60.00
4 each and exited the store without paying for the items. Respondent was subsequently detained by
5 loss prevention personnel and arrested by Los Angeles County Sheriff's deputies.

6 b. On or around October 29, 2003, Respondent was convicted of one
7 misdemeanor count of violating Penal Code section 459 (Burglary) in the Superior Court of
8 California for the County of Los Angeles in a case entitled *The People of the State of California*
9 v. *Dochelle Ranae Lewis* (Case No. MA027287.) The circumstances concerning the conviction
10 are that on or around September 5, 2003, Respondent stole several items from the Antelope
11 Valley Mall.

12 SECOND CAUSE FOR DISCIPLINE

13 (Unprofessional Conduct - Moral Turpitude)

14 10. Respondent is subject to disciplinary action pursuant to sections 4300 and
15 4301(f) on the grounds of unprofessional conduct in that she committed acts involving moral
16 turpitude as further described in paragraph no. 9.

17 PRAYER

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

- 20 1. Revoking or suspending Pharmacy Technician Registration Number TCH
21 12910, issued to Dochelle Renae Lewis;
- 22 2. Ordering Respondent to pay the Board of Pharmacy the reasonable costs of
23 the investigation and enforcement of this case, pursuant to Business and Professions Code
24 section 125.3;

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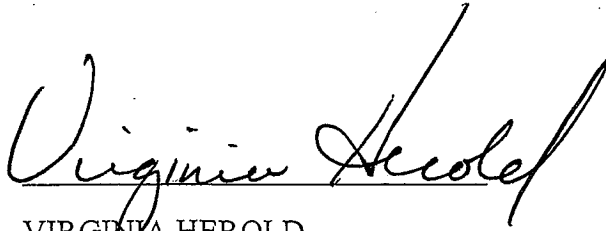
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3. Taking such other and further action as deemed necessary and proper.

DATED: 10/14/08



VIRGINIA HEROLD
Executive Officer
Board of Pharmacy
Department of Consumer Affairs
State of California

Complainant

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