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8	Attorneys for Complainant
9	BEFORE THE
10	BOARD OF PHARMACY DEPARTMENT OF CONSUMER AFFAIRS
11	STATE OF CALIFORNIA
12	In the Matter of the Accusation Against: Case No. 3250
13	PRISCILLA PITTS A.K.A. PRISCILLA SALESS PITTS ACCUSATION
14	8412 Yorkshire Avenue
15	Anaheim, CA 92806
16	Pharmacy Technician Registration No. TCH 77544
17	Respondent.
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19	Complainant alleges:
20	<u>PARTIES</u>
21	1. Virginia Herold (Complainant) brings this Accusation solely in her official
22	capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs.
23	2. On or about July 30, 2007, the Board of Pharmacy issued Pharmacy
24	Technician Registration Number TCH 77544 to Priscilla Pitts, also known as Priscilla Saless
25	Pitts (Respondent). The license will expire on February 28, 2009, unless renewed.
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suspend or revoke a license on the ground that the licensee has been convicted of a crime

Section 490 of the Code provides, in pertinent part, that a board may

substantially related to the qualifications, functions, or duties of the business or profession for which the license was issued.

8. Section 493 of the Code states:

"Notwithstanding any other provision of law, in a proceeding conducted by a board within the department pursuant to law to deny an application for a license or to suspend or revoke a license or otherwise take disciplinary action against a person who holds a license, upon the ground that the applicant or the licensee has been convicted of a crime substantially related to the qualifications, functions, and duties of the licensee in question, the record of conviction of the crime shall be conclusive evidence of the fact that the conviction occurred, but only of that fact, and the board may inquire into the circumstances surrounding the commission of the crime in order to fix the degree of discipline or to determine if the conviction is substantially related to the qualifications, functions, and duties of the licensee in question.

"As used in this section, 'license' includes 'certificate,' 'permit,' 'authority,' and 'registration."

I. Section 4301 of the Code states:

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

··. . .

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

··. . . .

"(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.

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

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"(1) 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 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.

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California Code of Regulations, title 16, section 1770, states: 10.

"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

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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."

COST RECOVERY

11. 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.

DRUGS

12. <u>Methamphetamine</u> is a Schedule II controlled substance as designated by Health and Safety Code section 11055(d)(2), and is a dangerous drug pursuant to Business and Professions Code section 4022.

FIRST CAUSE FOR DISCIPLINE

(June 19, 2008 Felony Criminal Conviction - Burglary on April 25, 2008)

- 13. Respondent is subject to disciplinary action under Code sections 490, 493, and 4301(1) for a criminal conviction that is substantially related to the qualifications, functions, and duties of a pharmacy technician. On or about June 19, 2008, in the Superior Court for the County of Orange, , in a case entitled *People vs. Priscilla Saless Pitts* (Sup. Ct., Orange, Case No. 08WF0801 F A), Respondent pled guilty to a violation of Penal Code 459-450(b), burglary, a felony. The circumstances are as follows:
- 14. On or about April 25, 2008, Respondent was arrested at a Wells Fargo Bank in Westminister after trying to cash a forged check. Respondent admitted to stealing the check from an open mailbox in Anaheim. She said that she was homeless and in need of money. Further investigation by the arresting officer found Respondent's personal property in a stolen vehicle in the bank parking lot. Two other individuals fled from the stolen vehicle after seeing the police.
- 15. Respondent was sentenced to formal probation, nine (9) days in the Orange County Jail, ordered to pay fines of \$420.00 and complete 30 days of Cal Trans service.

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SECOND CAUSE FOR DISCIPLINE

(Unprofessional Conduct)

16. Respondent is subject to disciplinary action under section 4301(f) in that she committed an act involving moral turpitude, dishonesty, fraud, deceit, or corruption. The circumstances are set forth in paragraphs 13 to 15 and are incorporated by reference herein.

THIRD CAUSE FOR DISCIPLINE

(July 22, 2008 Criminal Conviction - Use/Under the Influence of a Controlled Substance (Methamphetamine) May 7, 2008)

- 17. Respondent is subject to disciplinary action under Code sections 490, 4301(1) and 4301 (h) for a criminal conviction that is substantially related to the qualifications, functions, and duties of a pharmacy technician and administering controlled substances to herself. On or about July 22, 2008, in the Superior Court for the County of Orange, in a case entitled *People vs. Priscilla Saless Pitts* (Sup. Ct., Orange, Case No. 08NM07972 M A) Respondent pled guilty to a violation of Health and Safety Code section 11550(a), use/under the influence of a controlled substance (Methamphetamine). The circumstances are as follows:
- 18. On or about May 7, 2008, the Fullerton Police arrested Respondent after she was seen entering an apartment when the renter was not home. However, the renter said, "it is normal for them (Respondent and another woman) to come into the house through the window." When located, Respondent was displaying symptoms of being under the influence. A drug influence evaluation at the Fullerton Police jail revealed that Respondent had dilated pupils, increased blood pressure, an increased pulse and failed 2 out of 6 times to touch the tip of her nose. Respondent admitted to the officer that she had "smoked speed at about 11 p.m." The officer concluded that Respondent was under the influence of a CNS stimulant.
- 19. Respondent was placed on informal probation for three (3) years, ordered to pay fines of \$170.00 and serve 90 days in jail. Because Respondent had already served 37 days in jail, with an additional 18 days for good conduct, she was remanded back to the Orange County jail to serve her remaining 45 days in jail.

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FOURTH CAUSE FOR DISCIPLINE.

(Violation of Laws Relating to Controlled Substances and Dangerous Drugs)

20. Respondent is subject to disciplinary action under Code section 4301(j) and 4301(l) in that she violated statutes and regulations regulating controlled substances and dangerous drugs. The circumstances are set forth in paragraphs 17 to 19 and are incorporated by reference herein.

FIFTH CAUSE FOR DISCIPLINE

(July 22, 2008 Criminal Convictions - Receiving Known Stolen Property/Concealing Evidence on June 15, 2008)

- Respondent is subject to disciplinary action under Code section 490 and 4301(1) for criminal convictions that are substantially related to the qualifications, functions, and duties of a pharmacy technician. On or about July 22, 2008, in the Superior Court for the County of Orange, in a case entitled *People vs. Pricilla Saless Pitts* (Sup. Ct., Orange, Case No. 08NF1967 M A), Respondent pled guilty to a violation of Penal Code section 496(a), receiving known stolen property, a misdemeanor, and Penal Code section 135 destroying/concealing evidence, a misdemeanor. The circumstances are as follows:
- 22. On or about June 15, 2008, Respondent was arrested in a hotel room pursuant to a bench warrant that issued after she failed to appear in court for her April 26, 2008 arrest. Another individual in the room with Respondent was on parole for narcotic sales, so the police officers searched the hotel room (because a parolee is subject to search and seizure). When officers noted the screen missing from the window, they observed white residue, consistent with Methamphetamine, on the window frame, but did not find any Methamphetamine in the bushes outside the window. The search of the hotel room rented by Respondent also revealed large amounts of cash (\$6,746.00), a constantly ringing cell phone with drug requesting phone messages, sandwich baggies with white crystalline residue, a digital scale, a smashed used Methamphetamine pipe on the bathroom floor and bathtub, as well as a stolen laptop computer. The white residue found on the top of a table in the room later tested positive for Amphetamine.

1	23. Respondent was placed on 3 years informal probation, ordered to pay fines
2	of \$495.00 and restitution to the victim, and serve 90 days in the Orange County Jail. As she had
3	already served 37 days in jail, with an additional 18 days for good conduct, she was remanded
4	back to the Orange County jail to serve her remaining 45 days in jail.
5	SIXTH CAUSE FOR DISCIPLINE
6	(Unprofessional Conduct)
7	24. Respondent is subject to disciplinary action under Code section 4301(f) in
8	that she committed an act involving moral turpitude, dishonesty, fraud, deceit, or corruption. The
9	circumstances are set forth in paragraphs 21 to 23 and are incorporated by reference herein.
10	<u>PRAYER</u>
11	WHEREFORE, Complainant requests that a hearing be held on the matters herein
12	alleged, and that following the hearing, the Board of Pharmacy issue a decision:
13	A. Revoking or suspending Pharmacy Technician Registration Number TCH
14	77544, issued to Priscilla Pitts, a.k.a. Pricilla Saless Pitts;
15	B. Ordering Priscilla Pitts, a.k.a. Pricilla Saless Pitts to pay the Board of
16	Pharmacy the reasonable costs of the investigation and enforcement of this case, pursuant to
17	Business and Professions Code section 125.3; and
18	C. Taking such other and further action as deemed necessary and proper.
19	DATED: 4/29/09
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21	VIRGINIA HEROLD
22	Executive Officer Board of Pharmacy
23	Department of Consumer Affairs State of California
24	Complainant
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