

1 EDMUND G. BROWN JR., Attorney General
of the State of California
2 KAREN B. CHAPPELLE
Supervising Deputy Attorney General
3 THOMAS L. RINALDI, State Bar No. 206911
Deputy Attorney General
4 300 So. Spring Street, Suite 1702
Los Angeles, CA 90013
5 Telephone: (213) 897-2541
Facsimile: (213) 897-2804
6 Attorneys for Complainant

7
8 **BEFORE THE**
BOARD OF PHARMACY
9 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

10 In the Matter of the Accusation Against:

Case No. 3352

11 KAREN ANISSA THOMAS
12 1017 W. Ave H-6,
Lancaster, CA 93534

ACCUSATION

13 Pharmacy Technician Registration
14 No. TCH 39656

15 Respondent.

16
17 Complainant alleges:

18 PARTIES

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

22 2. On or about April 26, 2002, the Board of Pharmacy issued Original
23 Pharmacy Technician Registration Number TCH 39656 to Karen Anissa Thomas (Respondent.)
24 The License was in full force and effect at all times relevant to the charges brought herein and
25 will expire on October 31, 2009.

26 JURISDICTION

27 3. This Accusation is brought before the Board of Pharmacy (Board),
28 Department of Consumer Affairs, under the authority of the following laws. All section

1 references are to the Business and Professions Code unless otherwise indicated.

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

4 5. Section 4301 states, in pertinent part:

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

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

12 "(g) Knowingly making or signing any certificate or other document that falsely
13 represents the existence or nonexistence of a state of facts.

14

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

1 1203.4 of the Penal Code allowing the person to withdraw his or her plea of guilty and to enter a
2 plea of not guilty, or setting aside the verdict of guilty, or dismissing the accusation, information,
3 or indictment.

4 6. Section 118, subdivision (b) states:

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

12 7. Business and Professions Code section 125.3, subdivision (a), states, in
13 pertinent part: "Except as otherwise provided by law, in any order issued in resolution of a
14 disciplinary proceeding before any board within the department . . . the board may request the
15 administrative law judge to direct a licentiate found to have committed a violation or violations
16 of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
17 enforcement of the case."

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

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

25 FIRST CAUSE FOR DISCIPLINE

26 (Conviction of Crime)

27 9. Respondent is subject to disciplinary action under sections 4300 and
28 4301(l) in that on or around January 12, 2009, Respondent was convicted of one felony count of

1 violating Penal Code section 487(a) (Grand Theft by Embezzlement) in the Superior Court of
2 California for the County of Los Angeles in a case entitled *The People of the State of California*
3 *v. Karen Anissa Thomas* (Case No. MA036280.) The circumstances concerning the conviction
4 are that between July 18 and September 13, 2006, while employed as a pharmacy technician at
5 Sav On Drug Store, Respondent unlawfully took money and personal property from Sav On in
6 an amount exceeding four hundred dollars.

7 SECOND CAUSE FOR DISCIPLINE

8 (Unprofessional Conduct - Moral Turpitude)

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

12 THIRD CAUSE FOR DISCIPLINE

13 (Misrepresentation)

14 11. Respondent is subject to disciplinary action pursuant to sections 4300 and
15 4301, subdivisions (f) and (g), in that she made a material misrepresentation on an application
16 for a pharmacy technician registration submitted to the Board in or around October, 2001.
17 Respondent certified under penalty of perjury to the truthfulness of all of the responses provided
18 to the questions contained in the application. Question No. 7 of the application asked whether
19 Respondent had ever been convicted of or pled no contest to a violation of any state laws
20 including misdemeanors. Respondent responded "no", when in fact she had been convicted of
21 the following crimes:

22 a. On or around November 30, 1999, Respondent pled no contest to one
23 misdemeanor count of violating Vehicle Code section 14601.1(A) (Driving with a Suspended
24 License) in a case entitled *The People of the State of California v. Karen Anissa Thomas* in the
25 Superior Court of California for the County of Los Angeles (Case No. 9AT05840.)

26 b. On or around November 9, 1999, Respondent pled no contest to one
27 misdemeanor count of violating Vehicle Code section 14601.1(A) (Driving with a Suspended
28 License) in a case entitled *The People of the State of California v. Karen Anissa Thomas* in the

1 Superior Court of California for the County of Los Angeles (Case No. 7AT00965.)

2

3 c. On or around November 9, 1999, Respondent pled no contest to one
4 misdemeanor count of violating Vehicle Code section 14601.1(A) (Driving with a Suspended
5 License) in a case entitled *The People of the State of California v. Karen Anissa Thomas* in the
6 Superior Court of California for the County of Los Angeles (Case No. 8AT03212.)

7 d. On or around November 9, 1999, Respondent pled no contest to one
8 misdemeanor count of violating Vehicle Code section 14601.1(A) (Driving with a Suspended
9 License) in a case entitled *The People of the State of California v. Karen Anissa Thomas* in the
10 Superior Court of California for the County of Los Angeles (Case No. 8AT04015.)

11 e. On or around November 7, 1997, Respondent pled no contest to one
12 misdemeanor count of violating Vehicle Code section 14601.2(A) (Driving with a Suspended
13 License) in a case entitled *The People of the State of California v. Karen Anissa Thomas* in the
14 Superior Court of California for the County of Los Angeles (Case No. 7AT04760.)

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

17 1. Revoking or suspending Pharmacy Technician Registration Number TCH
18 39656, issued to Karen Anissa Thomas;

19 2. Ordering Respondent to pay the Board of Pharmacy the reasonable costs
20 of the investigation and enforcement of this case, pursuant to Business and Professions Code
21 section 125.3;

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

23 DATED: 10/27/09

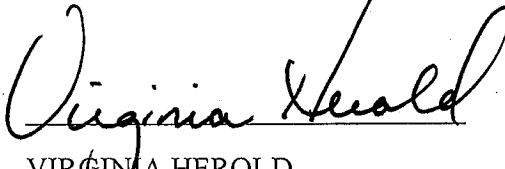
24

25

26

27

28


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

Complainant

1 60456007.wpd

2 LA2008600709

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