

1 EDMUND G. BROWN JR.
Attorney General of California
2 ARTHUR D. TAGGART
Supervising Deputy Attorney General
3 LESLIE A. BURGERMYER
Deputy Attorney General
4 State Bar No. 117576
1300 I Street, Suite 125
5 P.O. Box 944255
Sacramento, CA 94244-2550
6 Telephone: (916) 324-5337
Facsimile: (916) 327-8643
7 *Attorneys for Complainant*

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. ~~AC-2009~~ 3473

13 **PRECIOUS FAME, a.k.a.**
14 **PRECIOUS CLAMUCHA FAME**
178 San Tomas Drive
Pittsburg, CA 94565

A C C U S A T I O N

15 Pharmacy Technician
16 License No. TCH 38982

17 Respondent.

18
19 Complainant alleges:

20 **PARTIES**

21 1. Virginia Herold (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 September 13, 2001, the Board of Pharmacy issued Pharmacy Technician
24 License Number TCH 38982 to Precious Fame a.k.a. Precious Clamucha Fame (Respondent).

25 The Pharmacy Technician License was in full force and effect at all times relevant to the charges
26 brought herein and will expire on December 31, 2010, unless renewed.

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JURISDICTION

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

4. Section 4300 of the Code states authorizes the Board to discipline a licensee including license suspension, revocation, probation, or any other action in relation to discipline of a licensee which the Board, in its discretion, may deem proper.

5. Section 118, subdivision (b), of the Code provides that the suspension, expiration, surrender or cancellation of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued or reinstated.

STATUTORY PROVISIONS

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

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.

(l) . The conviction of a crime substantially related to the qualifications, functions, and duties of a licensee under this chapter. . . . [T]he 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.

(p) Actions or conduct that would have warranted denial of a license.

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1 7. Code section 480 provides, in pertinent part:

2 (a) A board may deny a license regulated by this code on the grounds that
3 the applicant has one of the following:

4 (1) Been convicted of a crime. A conviction within the meaning of this
5 section means a plea or verdict of guilty or a conviction following a plea of nolo
6 contendere. Any action that a board is permitted to take following the
7 establishment of a conviction may be taken when the time for appeal has elapsed,
8 or the judgment of conviction has been affirmed on appeal, or when an order
9 granting probation is made suspending the imposition of sentence, irrespective of
10 a subsequent order under the provisions of Section 1203.4 of the Penal Code.

11 (2) Done any act involving dishonesty, fraud, or deceit with the intent to
12 substantially benefit himself or herself or another, or substantially injure another.

13 (3) (A) Done any act that if done by a licentiate of the business or profession
14 in question would be grounds for suspension or revocation of license.

15 (B) The board may deny a license pursuant to this subdivision only if the
16 crime or act is substantially related to the qualifications, functions, or duties of the
17 business or profession for which application is made.

18 COST RECOVERY

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

23 FIRST CAUSE FOR DISCIPLINE

24 (CRIMINAL CONVICTIONS)

25 9. Respondent is subject to disciplinary action under Code sections 4300 and 4301,
26 subdivision (1), in that Respondent has been convicted of crimes which are substantially related to
27 the qualifications, functions, and duties of a registered Pharmacy Technician, as follows:

28 a. On or about January 15, 2009, Respondent was convicted in Placer County Superior
Court Case No. 62-84552B, *People v. Precious Clamucha Fame*, on her plea of nolo contendere
to violating Penal Code section 496, subdivision (a) [receipt of stolen property], a misdemeanor.

The underlying circumstances are: on or about October 4, 2008, Respondent received
stolen property, to wit, personal checks belonging to victim C.K., which had been stolen.
Respondent knew the personal checks had been stolen.

10. On or about May 8, 2008, Respondent was convicted in Contra County Superior Court Case No. 132305-4, *People v. Precious Fame*, on her plea no contest to violating Penal Code section 502, subdivision (c)(1)(A) [computer fraud] and Education Code sections 32382, subdivision (b) and 32382, subdivision (f), [fraudulent use of diploma], misdemeanors.

The underlying circumstances are: on and between December 12, 2004, and December 19, 2005, Respondent paid \$400.00 to an individual to access the computer system at Diablo Valley College to change her grades from their then-existing grades for nine courses to any grade above "C" and "added" courses.

SECOND CAUSE FOR DISCIPLINE

**(ACTS INVOLVING MORAL TURPITUDE, DISHONESTY,
FRAUD, DECEIT, OR CORRUPTION)**

11. Respondent is subject to disciplinary action under section 4300 and 4301, subdivision (f), as follows:

a. On or about October 4, 2008, Respondent received stolen property, to wit, personal checks belonging to victim C.K., which had been stolen. Respondent knew the personal checks had been stolen.

b. On and between December 12, 2004, and December 19, 2005, Respondent paid \$400.00 to an individual to access the computer system at Diablo Valley College to change her grades from their then-existing grades for nine courses to any grade above "C" and "added" courses.

THIRD CAUSE FOR DISCIPLINE

(ACTS WARRANTING LICENSE DENIAL)

12. Respondent is subject to disciplinary action under section Code sections 4300 and 4301, subdivision (p), in conjunction with Code section 480, in that Respondent committed acts that warranted license denial, as follows:

a. Respondent was convicted of crimes substantially related to the qualifications, duties, and functions of a Pharmacy Technician, as alleged in paragraphs 9 and 10, above, which convictions are grounds for license denial under Code section 480, subdivision (a)(1).

1 b. Respondent committed acts involving dishonesty, fraud, or deceit with the intent to
2 substantially benefit herself or another, or substantially injure another, as alleged in paragraph 11,
3 above, which acts are grounds for license denial under Code section 480, subdivision (a)(2).

4 c. Respondent did acts within the meaning of Code section 480, subdivision (a)(3)(A),
5 as alleged in paragraphs 9 and 10, above, that if done by a Pharmacy Technician would be
6 grounds for license suspension or revocation under Code section 4301, subdivisions (f) and (l).

7 **FOURTH CAUSE FOR DISCIPLINE**

8 **(UNPROFESSIONAL CONDUCT)**

9 13. Respondent is subject to disciplinary action under Code section 4300 and 4301, on
10 the grounds of unprofessional conduct, as alleged in paragraphs 9, 10, 11, and 12, above.

11 **PRAYER**

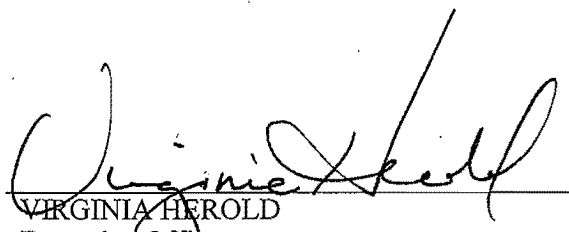
12 **WHEREFORE**, Complainant requests that a hearing be held on the matters herein alleged,
13 and that following the hearing, the Board of Pharmacy issue a decision:

14 1. Revoking or suspending Pharmacy Technician License Number TCH 38982, issued
15 to Precious Fame, a.k.a. Precious Clamucha Fame;

16 2. Ordering Precious Fame, a.k.a. Precious Clamucha Fame to pay the Board of
17 Pharmacy the reasonable costs of the investigation and enforcement of this case, pursuant to
18 Business and Professions Code section 125.3;

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

20
21
22 DATED: 12/30/09



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

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