

1 EDMUND G. BROWN JR.
Attorney General of California
2 MARC D. GREENBAUM
Supervising Deputy Attorney General
3 STEPHEN A. MILLS
Deputy Attorney General
4 State Bar No. 54145
300 So. Spring Street, Suite 1702
5 Los Angeles, CA 90013
Telephone: (213) 897-2539
6 Facsimile: (213) 897-2804
Attorneys for Complainant
7

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. 3521

13 **SAMANTHA SELENE SANDOVAL**
1406 Lefloss Ave.
Norwalk, CA 90650

ACCUSATION

15 Pharmacy Technician Registration No. TCH 87471

Respondent.

16
17
18 Complainant alleges:

19 **PARTIES**

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

22 2. On or about November 7, 2008, the Board issued Pharmacy Technician Registration
23 No. TCH 87471 to Samantha Selene Sandoval (Respondent). The Pharmacy Technician
24 Registration was in full force and effect at all times relevant to the charges brought herein and
25 will expire on August 31, 2010, unless renewed.

26 **JURISDICTION**

27 3. This Accusation is brought before the Board under the authority of the following
28 laws. All section references are to the Business and Professions Code unless otherwise indicated.

STATUTORY PROVISIONS

1
2 4. Section 118, subdivision (b), provides that the suspension, expiration, surrender or
3 cancellation of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary
4 action during the period within which the license may be renewed, restored, reissued or
5 reinstated.

6 5. Section 490 provides that a board may suspend or revoke a license on the ground that
7 the licensee has been convicted of a crime substantially related to the qualifications, functions, or
8 duties of the business or profession for which the license was issued.

9 6. Section 4300, subdivision (a), states that “[e]very license issued may be suspended or
10 revoked.”

11 7. Section 4301 states, in pertinent part:

12 "The board shall take action against any holder of a license who is guilty of unprofessional
13 conduct or whose license has been procured by fraud or misrepresentation or issued by mistake.

14 Unprofessional conduct shall include, but is not limited to, any of the following:

15

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

19

20 "(l) The conviction of a crime substantially related to the qualifications, functions, and
21 duties of a licensee under this chapter. . . ."

REGULATORY PROVISIONS

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

23 "For the purpose of denial, suspension, or revocation of a personal or facility license
24 pursuant to Division 1.5 (commencing with Section 475) of the Business and Professions Code, a
25 crime or act shall be considered substantially related to the qualifications, functions or duties of a
26 licensee or registrant if to a substantial degree it evidences present or potential unfitness of a
27 licensee or registrant if to a substantial degree it evidences present or potential unfitness of a

28 ///

1 licensee or registrant to perform the functions authorized by his license or registration in a manner
2 consistent with the public health, safety, or welfare."

3 **COST RECOVERY**

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

8 **FIRST CAUSE FOR DISCIPLINE**

9 **(Conviction of Substantially Related Crime)**

10 10. Respondent is subject to disciplinary action under sections 490 and 4301,
11 subdivision (l), in conjunction with California Code of Regulations, title 16, section 1770, on the
12 grounds of unprofessional conduct, in that on or about January 28, 2009, Respondent was
13 convicted of a crime substantially related to the qualifications, functions or duties of a licensee
14 which to a substantial degree evidences her present or potential unfitness to perform the functions
15 authorized by her license in a manner consistent with the public health, safety, or welfare, as
16 follows:

17 a. On or about January 28, 2009, after pleading nolo contendere, Respondent was
18 convicted of one misdemeanor count of violating Penal Code section 487(a) [grand theft by
19 embezzlement] in the criminal proceeding entitled *The People of the State of California v.*
20 *Samantha Selene Sandoval* (Super. Ct. Los Angeles County, 2009, No. 9BF00013). The Court
21 sentenced Respondent to twelve (12) days in jail, placed her on 36 months of probation, ordered
22 her to perform three (3) days of Cal Trans, ordered her to stay away from all CVS stores, ordered
23 her to pay \$3,279.50 as restitution to CVS.

24 b. The circumstances underlying the conviction are that on or between June 1, 2008, and
25 December 19, 2008, Respondent, a CVS store employee, stole \$3,279.50 in money and personal
26 property from CVS.

27 ///

28 ///

1 **SECOND CAUSE FOR DISCIPLINE**

2 **(Act Involving Moral Turpitude, Dishonesty, Fraud, Deceit, or Corruption)**

3 11. Respondent is subject to disciplinary action under section 4301, subdivision (f), on
4 the grounds of unprofessional conduct, in that on or between June 1, 2008, and December 19,
5 2008, Respondent committed acts involving moral turpitude, dishonesty, fraud, deceit, or
6 corruption. Complainant refers to and by this reference incorporates the allegations set forth
7 above in paragraph 10, subparagraphs a and b, inclusive, as though set forth fully.

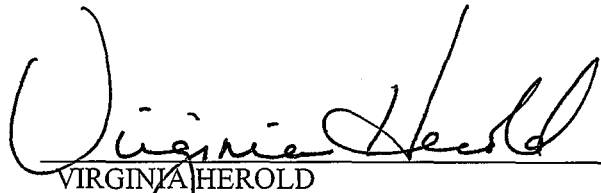
8 **PRAYER**

9 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
10 and that following the hearing, the Board issue a decision:

- 11 1. Revoking or suspending Pharmacy Technician Registration No. TCH 87471, issued
12 to Respondent;
- 13 2. Ordering Respondent to pay the Board the reasonable costs of the investigation and
14 enforcement of this case, pursuant to section 125.3;
- 15 3. Taking such other and further action as deemed necessary and proper.

16
17
18 DATED: _____

8/4/10



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

19
20
21
22
23 LA2009604641
24 7/12/2010dmm
50689747.doc