1 2 3 4 5 6 7 8	BOARD OF	RE THE PHARMACY
9		CONSUMER AFFAIRS CALIFORNIA
10	In the Matter of the Accusation Against:	Case No. 3545
11 12 [.]	CHRISTINA MARIE GODINEZ 611 Walnut Lane	
13	Hollister, CA 95023 Pharmacy Technician Registration No. TCH 86747	ACCUSATION
14 15	Respondent.	
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17	Complainant alleges:	
18	· PAR	TIES
19	1. Virginia Herold (Complainant) bring	s this Accusation solely in her official capacity
20	as the Executive Officer of the Board of Pharma	cy, Department of Consumer Affairs.
21	2. On or about October 3, 2008, the Bo	ard of Pharmacy issued Pharmacy Technician
22	Registration Number TCH 86747 to Christina M	arie Godinez (Respondent). The Pharmacy
23	Technician Registration will expire on March 31	, 2012, unless renewed.
24	JURISE	DICTION
25	3. This Accusation is brought before th	e Board of Pharmacy (Board), Department of
26	Consumer Affairs, under the authority of the foll	owing laws. All section references are to the
27	Business and Professions Code unless otherwise	indicated.
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1	4. Section 4300(a) of the Code states:	
2	"Every license issued may be suspended or revoked."	
3	5. Section 4301 of the Code states:	
4	"The board shall take action against any holder of a license who is guilty of unprofessional	
5	conduct or whose license has been procured by fraud or misrepresentation or issued by mistake.	
6	Unprofessional conduct shall include, but is not limited to, any of the following:	
7	•••	
8	"(f) The commission of any act involving moral turpitude, dishonesty, fraud, deceit, or	
9	corruption, whether the act is committed in the course of relations as a licensee or otherwise, and	
10	whether the act is a felony or misdemeanor or not.	
11	••••	
12	"(1) The conviction of a crime substantially related to the qualifications, functions, and	
13	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 or	
22	a conviction following a plea of nolo contendere is deemed to be a conviction within the meaning	
23	of this provision. The board may take action when the time for appeal has elapsed, or the	
24	judgment of conviction has been affirmed on appeal or when an order granting probation is made	
25	suspending the imposition of sentence, irrespective of a subsequent order under Section 1203.4 of	
26	the Penal Code allowing the person to withdraw his or her plea of guilty and to enter a plea of not	
27	guilty, or setting aside the verdict of guilty, or dismissing the accusation, information, or	
28	indictment.	
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1	6. Section 490 of the Code provides, in pertinent part, that a board may suspend or	
2	revoke a license on the ground that the licensee has been convicted of a crime substantially	
3	related to the qualifications, functions, or duties of the business or profession for which the	
4	license was issued.	
5	7. California Code of Regulations, title 16, section 1770, states:	
6	"For the purpose of denial, suspension, or revocation of a personal or facility license	
7	pursuant to Division 1.5 (commencing with Section 475) of the Business and Professions Code, a	
8	crime or act shall be considered substantially related to the qualifications, functions or duties of a	
9	licensee or registrant if to a substantial degree it evidences present or potential unfitness of a	
10	licensee or registrant to perform the functions authorized by his license or registration in a manner	
11	consistent with the public health, safety, or welfare."	
12	8. Section 125.3 of the Code states, in pertinent part, that the Board may request the	
13	administrative law judge to direct a licentiate found to have committed a violation or violations of	
14	the licensing act to pay a sum not to exceed the reasonable costs of the investigation and	
15	enforcement of the case.	
16	DRUGS INVOLVED	
17	9. Viagra (sildenafil) is a dangerous drug pursuant to section 4022 of the code.	
18	FACTUAL BACKGROUND	
19	10. On or about February 18, 2009, Respondent stole \$120 and approximately 25-30	
20	tablets of Viagra from her employer Wal-Mart.	
21	11. On or about June 11, 2009, in Santa Clara County Superior Court Case No.	
22	FF929213, Respondent was convicted of petty theft/embezzlement in violation of Penal Code	
23	sections 484/488. The circumstances are described in paragraph 10, above.	
24	12. On or about June 29, 2009, Respondent was in a vehicle that was stopped by police.	
25	Respondent was not wearing her seatbelt. Respondent falsely identified herself as "Michelle	
26	Flores," date of birth 12/10/1984.	
27	13. On or about November 10, 2009, In San Benito County Superior Court Case No. CR-	
28	09-01498, Respondent was convicted of false impersonation in violation of Penal Code § 529.	
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1	The circumstances are described in paragraph 12, above.	
2	FIRST CAUSE FOR DISCIPLINE	
3	(Unprofessional Conduct-Conviction)	
4	14. Respondent is subject to disciplinary action under sections 4301(1) and 490 of the	
5	code in that respondent was convicted of a crime that is substantially related to the duties,	
6	functions, or qualifications of pharmacy technician. The circumstances are described in	
7	paragraphs 10-11, above.	
8	SECOND CAUSE FOR DISCIPLINE	
9	(Unprofessional Conduct-Conviction)	
10	15. Respondent is subject to disciplinary action under sections 4301(1) and 490 of the	
11	code in that respondent was convicted of a crime that is substantially related to the duties,	
12	functions, or qualifications of pharmacy technician. The circumstances are described in	
13	paragraphs 12-13, above.	
14	THIRD CAUSE FOR DISCIPLINE	
15	(Unprofessional Conduct-Moral Turpitude, Dishonesty, Fraud, and/or Deceit)	
16	16. Respondent is subject to disciplinary action under section 4301 (f) of the code in that	
17	Respondent committed acts of moral turpitude, dishonesty, and/or deceit. The circumstances are	
18	described in paragraph 10, above.	
19	FOURTH CAUSE FOR DISCIPLINE	
20	(Unprofessional Conduct-Moral Turpitude, Dishonesty, Fraud, and/or Deceit)	
21	17. Respondent is subject to disciplinary action under section 4301 (f) of the code in that	
22	Respondent committed acts of moral turpitude, dishonesty, and/or deceit. The circumstances are	
23	described in paragraph 12, above.	
24	PRAYER	
25	WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,	
26	and that following the hearing, the Board of Pharmacy issue a decision:	
27	1. Revoking or suspending Pharmacy Technician Registration Number TCH 86747,	
28	issued to Christina Marie Godinez.	
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Ordering Christina Marie Godinez to pay the Board of Pharmacy the reasonable costs 2. of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3; 3. Taking such other and further action as deemed necessary and proper. DATED: 63 VIRGINIAHEROLD Executive Officer Board of Pharmacy Department of Consumer Affairs State of California Complainant SF2010400078 accusation.rtf Accusation