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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. 3664

11 **PRISCILLA REESE**  
12 **1051 Harbor Heights Drive #C**  
13 **Harbor City, CA 90710**

**A C C U S A T I O N**

14 **Pharmacy Technician Registration No. TCH**  
15 **12265**

16 Respondent.

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.

22 2. On or about March 18, 1994, the Board of Pharmacy issued Pharmacy Technician  
23 Registration Number TCH 12265 to Priscilla Reese (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 June 30, 2011, unless renewed.

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1           7.     Section 4301 states, in pertinent part:

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

5           .....

6           “(h) The administering to oneself, of any controlled substance, or the use of any dangerous  
7     drug or of alcoholic beverages to the extent or in a manner as to be dangerous or injurious to  
8     oneself, to a person holding a license under this chapter, or to any other person or the public, or to  
9     the extent that the use impairs the ability of the person to conduct with safety to the public the  
10    practice authorized by the license.

11          .....

12          “(l) 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.”

1 **REGULATORY PROVISIONS**

2 8. California Code of Regulations, title 16, section 1770, states, in pertinent part:

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

9 **COST RECOVERY**

10 9. Section 125.3 provides, in pertinent part, that the Board may request the  
11 administrative law judge to direct a licentiate found to have committed a violation or violations of  
12 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
13 enforcement of the case.

14 **FIRST CAUSE FOR DISCIPLINE**

15 **(Convictions of Substantially Related Crimes)**

16 10. Respondent is subject to disciplinary action under section 4301, subdivision (l) and  
17 section 490, in conjunction with California Code of Regulations, title 16, section 1770, in that,  
18 Respondent was convicted of crimes substantially related to the qualifications, functions or duties  
19 of a pharmacy technician.

20 a. On or about June 24, 2009, after pleading nolo contendere, Respondent was convicted  
21 of one misdemeanor count of violating Vehicle Code section 23152, subdivision (b) [driving with  
22 a blood-alcohol content greater than 0.08 percent] in the criminal proceeding entitled *The People*  
23 *of the State of California v. Priscilla Reese* (Super. Ct. Los Angeles County, 2009, No.  
24 9SY05632). The defendant admitted in court to a prior DUI conviction in violation of Vehicle  
25 Code section 23152, subdivision (b), on or about November 11, 2006 in the Inglewood  
26 Courthouse Judicial District under case number 604353. Respondent was placed on 3 years  
27 probation and ordered to successfully complete an 18-month licensed second-offender alcohol  
28

1 and other drug education and counseling program. Respondent was also ordered to complete  
2 M.A.D.D. and Morgue programs and pay a fine of \$1746.00.

3 b. The underlying circumstances surrounding the conviction occurred on or about June  
4 23, 2009, when Respondent was involved in a traffic collision. Officers of the Torrance Police  
5 Department responded to the scene of the accident and arrested Respondent after observing  
6 objective signs of intoxication including bloodshot and watery eyes, slurred speech, and the odor  
7 of an alcoholic beverage emitting from her breath. Respondent also admitted that she had one  
8 shot of tequila earlier in the evening. Additionally, Respondent registered a .21 percent blood  
9 alcohol content by weight when given breathalyzer tests at the Torrance Police Department.

10 **SECOND CAUSE FOR DISCIPLINE**

11 **(Dangerous Use of Alcohol)**

12 11. Respondent is subject to disciplinary action under section 4301, subdivision (h), in  
13 that Respondent used alcohol in a manner dangerous to herself or others. Complainant refers to,  
14 and by this reference incorporates, the allegations set forth above in paragraph 10, subparagraphs  
15 a and b, as though set forth fully.

16 **PRAYER**

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

19 1. Revoking or suspending Pharmacy Technician Registration Number TCH 12265,  
20 issued to Priscilla Reese;

21 2. Ordering Priscilla Reese to pay the Board of Pharmacy the reasonable costs of the  
22 investigation and enforcement of this case, pursuant to Business and Professions Code section  
23 125.3; and

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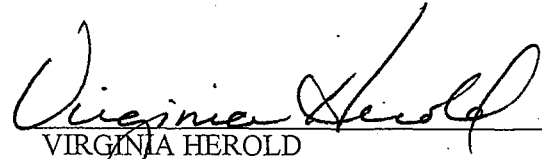
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3. Taking such other and further action as deemed necessary and proper.

DATED: 5/28/10



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

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