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1	EDMUND G. BROWN JR. Attorney General of California		
2	FRANK H. PACOE Supervising Deputy Attorney General		
3	JOSHUA A. ROOM Deputy Attorney General		
4	State Bar No. 214663 455 Golden Gate Avenue, Suite 11000		
5	San Francisco, CA 94102-7004 Telephone: (415) 703-1299		
6	Facsimile: (415) 703-5480 Attorneys for Complainant		
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8.	BEFORE THE BOARD OF PHARMACY		
9	DEPARTMENT OF CONSUMER AFFAIRS STATE OF CALIFORNIA		
10		]	
11	In the Matter of the Accusation Against:	Case No. 3670	
12	KALYNDA DALE WARD 2226 Washington Way		
13	Antioch, CA 94509	ACCUSATION	
14	Pharmacy Technician License No. TCH 50138		
15	Respondent.		
16	Complainant alleges:		
17	PART	TES	
18	1. Virginia Herold (Complainant) brings this Accusation solely in her official capacity		
19	as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs.		
20	2. On or about August 8, 2003, the Board of Pharmacy issued Pharmacy Technician		
21	Registration Number TCH 50138 to Kalynda Dale Ward (Respondent). The Pharmacy		
22	Technician Registration was in full force and effect at all times relevant to the charges brought		
22	herein and will expire on June 30, 2011, unless renewed.		
23	nerem and will expire on Julie 50, 2011, unless ter		
24		CTION	
ĺ	JURISDICTION		
26	3. This Accusation is brought before the Board of Pharmacy (Board), Department of		
27	Consumer Affairs, under the authority of the following laws. All section references are to the		
28	Business and Professions Code (Code) unless otherwise indicated.		
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4. Section 4011 of the Code provides that the Board shall administer and enforce both the Pharmacy Law [Bus. & Prof. Code, § 4000 et seq.] and the Uniform Controlled Substances Act [Health & Safety Code, § 11000 et seq.].

5. Section 4300(a) of the Code provides that every license issued by the Board may be suspended or revoked.

Section 118(b) of the Code provides, in pertinent part, that the suspension, expiration, 6. 6 surrender, or cancellation of a license shall not deprive the Board of jurisdiction to proceed with a 7 disciplinary action during the period within which the license may be renewed, restored, reissued 8 9 or reinstated. Section 4402(a) of the Code provides that any pharmacist license that is not renewed within three years following its expiration may not be renewed, restored, or reinstated 10 and shall be canceled by operation of law at the end of the three-year period. Section 4402(e) of 11 the Code provides that any other license issued by the Board may be canceled by the Board if not 12 renewed within 60 days after its expiration, and any license canceled in this fashion may not be 13 reissued but will instead require a new application to seek reissuance. 14

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## STATUTORY AND REGULATORY PROVISIONS

7. Section 4301 of the Code provides, in pertinent part, that the Board shall take action
against any holder of a license who is guilty of "unprofessional conduct," defined to include, but
not be limited to, any of the following:

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

8. Section 490 of the Code provides, in pertinent part, that the Board may suspend or
revoke a license when it finds that the licensee has been convicted of a crime substantially related
to the qualifications, functions or duties of the license.

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California Code of Regulations, title 16, section 1770, states:

26 "For the purpose of denial, suspension, or revocation of a personal or facility license
27 pursuant to Division 1.5 (commencing with Section 475) of the Business and Professions Code, a
28 crime or act shall be considered substantially related to the qualifications, functions or duties of a

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licensee or registrant if to a substantial degree it evidences present or potential unfitness of a licensee or registrant to perform the functions authorized by her license or registration in a manner consistent with the public health, safety, or welfare."

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

## FIRST CAUSE FOR DISCIPLINE

(Conviction of Substantially Related Crime(s))

11. Respondent is subject to discipline under section 4301(1) and/or section 490 of the 10 Code, by reference to California Code of Regulations, title 16, section 1770, for the conviction of 11 substantially related crime(s), in that on or about January 12, 2009, in the criminal case People v. 12 Kalynda Ward, Case No. 080610-9 in Contra Costa County Superior Court, Respondent was 13 convicted of one (1) count of violating Penal Code section 245(a)(1) (Assault by both deadly 14 weapon and force likely to produce great bodily injury), a felony, with an enhancement under 15 Penal Code section 12022.7(e) for infliction of bodily injury under circumstances involving 16 domestic violence as defined in Penal Code section 13700, as follows: 17

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a. On or about April 27, 2008, Respondent was arrested by Antioch Police.

b. On or about May 29, 2008, Respondent was charged in Case No. 080610-9 in 19 Contra County Superior Court with violating (1) Penal Code section(s) 187(a)/664(a) (Attempted 20 willful, deliberate, and premeditated murder), a felony, with enhancement pursuant to Penal Code 21 section 12022.7(e) for domestic violence and a special allegation pursuant to Penal Code section 22 969f for serious felony and/or use of a knife; (2) Penal Code setion 245(a)(1) (Assault by both 23 deadly weapon and force likely to produce great bodily injury), a felony, with enhancement per 24 Penal Code section 12022.7(e) for domestic violence and a special allegation pursuant to Penal 25 26 Code section 969f for serious felony and/or use of a knife;, and (3) Penal Code section 273.5(a) (Inflicting corporal injury to spouse/cohabitant/child's parent), a felony, with enhancement per 27 Penal Code section 12022.7(e) for domestic violence. 28

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1	c. On or about January 12, 2009, Respondent pleaded nolo contendere and was	
2	convicted of violating Penal Code section 245(a)(1) (Assault by both deadly weapon and force	
3	likely to produce great bodily injury), a felony, with the domestic violence enhancement under	
4	Penal Code section 12022.7(e). The remaining charges were dismissed pursuant to the plea. On	
5	that date, Respondent was given a sentence of five (5) years in state prison, with the execution of	
6	this sentence suspended in favor of a period of formal probation of three (3) years, on terms and	
7	conditions including 365 days in jail (42 days credit for time served), fines, fees, and restitution,	
8	40 hours of community service, a stay-away order, counseling and a Domestic Violence program.	
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10	SECOND CAUSE FOR DISCIPLINE	
11	(Unprofessional Conduct)	
12	12. Respondent is subject to discipline under section 4301 of the Code in that, as	
13	described in paragraph 11 above, Respondent engaged in unprofessional conduct.	
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15	PRAYER	
16	WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,	
17	and that following the hearing, the Board of Pharmacy issue a decision:	
18	1. Revoking or suspending Pharmacy Technician License No. TCH 50138, issued to	
19	Kalynda Dale Ward (Respondent);	
20	2. Ordering Respondent to pay the Board the reasonable costs of the investigation and	
21	enforcement of this case, pursuant to Business and Professions Code section 125.3;	
22	3. Taking such other and further action as is deemed necessary and proper.	
23	abzla (b)	
24	DATED: 823/10 VIRGINIA HEROLD	
25	Executive Officer Board of Pharmacy	
26	Department of Consumer Affairs State of California	
27	Complainant	
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Accusation