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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. 3679

11 **MICHELLE CHARLENE SAPIDA**  
12 **444 Moorland Street**  
13 **Vallejo, CA 94589**

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

14 **Pharmacy Technician License No. TCH 91564**

15 Respondent.

16 Complainant alleges:

17  
18 PARTIES

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

21 2. On or about August 11, 2009, the Board of Pharmacy issued Pharmacy Technician  
22 License No. TCH 91564 to Michelle Charlene Sapida (Respondent). The Pharmacy Technician  
23 License was in full force and effect at all times relevant to the charges brought herein and will  
24 expire on July 31, 2011, unless renewed.

25 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.



1 FACTUAL BACKGROUND

2 10. On or about February 6, 2009, without consent to do so, Respondent used a name and  
3 personal information including social security number belonging to another person to fraudulently  
4 open up a new cellular telephone account with Sprint. Respondent used the account until it was  
5 closed by Sprint on or about June 29, 2009 with a delinquent balance of \$338.47.

6 11. On or about November 20, 2009, based on the events described in paragraph 10, in a  
7 criminal case titled *People v. Michelle Charlene Sapida*, Case No. FCR271967 in Solano County  
8 Superior Court, Respondent was charged by Misdemeanor Complaint with violating Penal Code  
9 section 530.5(a) (Identify theft), a misdemeanor.

10 12. On or about December 29, 2009, Respondent signed a Diversion Agreement in Case  
11 No. FCR271967 for pre-trial District Attorney Diversion agreeing, among other things, to enroll  
12 in a Diversion Class administered by the District Attorney, and to pay restitution of \$338.47 to  
13 the victim, both within six months. Further proceedings in the case were suspended and a hearing  
14 was set for June 29, 2010 to consider the case for possible dismissal.

15 13. On or about June 29, 2010, Respondent was again ordered to enroll in the Diversion  
16 Class and to pay restitution. A further hearing was set for December 17, 2010.

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18 FIRST CAUSE FOR DISCIPLINE

19 (Acts Involving Moral Turpitude, Dishonesty, Fraud, Deceit or Corruption)

20 14. Respondent is subject to discipline under section 4301(f) of the Code, in that  
21 Respondent, as described in paragraph 10 above, committed acts involving moral turpitude,  
22 dishonesty, fraud, deceit, or corruption.

23  
24 SECOND CAUSE FOR DISCIPLINE

25 (Unprofessional Conduct)

26 15. Respondent is subject to discipline under section 4301 of the Code in that  
27 Respondent, as described in paragraphs 10 to 14 above, engaged in unprofessional conduct.

