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8  
9 **BEFORE THE**  
**BOARD OF PHARMACY**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
**STATE OF CALIFORNIA**

11 In the Matter of the Petition to Revoke  
12 Probation Against,

Case No. 3836

13 **GENOVEVA PEREDA**  
27644 Genevieve Drive  
14 Sun City, California 92586  
Pharmacy Technician Registration  
15 No. TCH 30005

**PETITION TO REVOKE PROBATION**

16 Respondent  
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18 Complainant alleges:

19 **PARTIES**

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

23 2. On or about July 20, 1999, the Board of Pharmacy issued Pharmacy Technician  
24 Registration Number TCH 30005 to Genoveva Pereda (Respondent). The Pharmacy Technician  
25 Registration was in effect at all times relevant to the charges brought herein and will expire on  
26 June 30, 2011, unless renewed.

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**JURISDICTION**

3. This Petition to Revoke Probation is brought before the Board of Pharmacy (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

4. Section 4011 of the Code provides that the Board shall administer and enforcer both the Pharmacy Law [§ 4000 et seq.] and the Uniform Controlled Substances Act [Health & Safety Code, § 11000 et seq.].

5. Section 4300 of the Code states, in pertinent part:

(a) Every license issued may be suspended or revoked.

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6. In a disciplinary action entitled "*In the Matter of Accusation Against Genoveva Pereda*," Case No. 3309, the Board of Pharmacy issued a Decision and Order effective April 29, 2010, in which Respondent's Pharmacy Technician Registration was revoked. However, the revocation was stayed and Respondent's Pharmacy Technician Registration was placed on probation for a period of five (5) years with certain terms and conditions. A copy of that Decision is attached as Exhibit "A" and is incorporated by reference.

**FIRST CAUSE TO REVOKE PROBATION**

**(Failure to Report Quarterly to the Board)**

7. At all times after the effective date of Respondent's probation, Condition 3 stated:

**3. Report to the Board.** Respondent shall report to the Board quarterly, on a schedule as directed by the Board or its designee. The report shall be made either in person or in writing, as directed. Among other requirements, respondent shall state in each report under penalty of perjury whether there has been compliance with all the terms and conditions of probation. Failure to submit timely reports in a form as directed shall be considered a violation of probation.

1 8. Respondent's probation is subject to revocation because she failed to comply with  
2 Probation Condition 3, referenced above. Respondent failed to submit timely quarterly reports to  
3 the Board as required. The Board has received no reports since Respondent's probation began.

4 **SECOND CAUSE TO REVOKE PROBATION**

5 **(Failure to Submit Cost Recovery Payments)**

6 9. At all times after the effective date of Respondent's probation, Condition 7 stated:

7 **7. Reimbursement of Board Costs.** As a condition precedent to  
8 successful completion of probation, respondent shall pay to the Board its  
9 costs of investigation and prosecution in the amount of \$2,511.50.  
10 Respondent shall make payments as follows: monthly payments as  
determined by the Board or its designee. Failure to pay costs by the  
deadline(s) as directed shall be considered a violation of probation.

11 10. Respondent's probation is subject to revocation because she failed to comply with  
12 Probation Condition 7, referenced above. The Board has received no payments since  
13 Respondent's probation began.

14 **THIRD CAUSE TO REVOKE PROBATION**

15 **(Failure to Notify the Board of a Change in Mailing Address)**

16 11. At all times after the effective date of Respondent's probation, Condition 11 stated:

17  
18 **11. Notification of a Change in Name, Residence Address,**  
19 **Mailing Address or Employment.** Respondent shall notify the Board in  
writing within ten (10) days of a change in name, mailing address, or  
telephone number.

20 12. Respondent's probation is subject to revocation because she failed to comply with  
21 Probation Condition 11, referenced above. The Board sent a letter to the Respondent via  
22 Certified Mail which was returned marked "Unclaimed- Unable to Forward" and "Notify Sender  
23 of New Address" with an address provided.

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1 **FOURTH CAUSE TO REVOKE PROBATION**

2 **(Failure to Submit to Random Drug Screening)**

3 13. At all times after the effective date of Respondent's probation, Condition 17 stated:

4 **17. Random Drug Screening.** Respondent, at her own expense, shall  
5 participate in random drug testing, including but not limited to, biological  
6 fluid testing (urine, blood), breathalyzer, hair follicle testing, or other  
7 drug screening program as directed by the Board or its designee.  
8 Respondent may be required to participate in testing for the entire  
9 probation period and the frequency of testing will be determined by the  
10 Board or its designee. At all times, Respondent shall fully cooperate with  
11 the Board or its designee, and shall, when directed, submit to such tests  
and samples for the detection of alcohol, narcotics, hypnotics, dangerous  
drugs or other controlled substances as the Board or its designee may  
direct. Failure to timely submit to testing as directed shall be considered  
a violation of probation.

12 14. Respondent's probation is subject to revocation because she failed to comply with  
13 Probation Condition 17, referenced above. Respondent has not enrolled in the Board-appointed  
14 random drug testing program and, consequently, has not submitted to drug testing as required.

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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 the probation that was granted by the Board of Pharmacy in Case No. 3309  
20 and imposing the Disciplinary Order that was stayed, thereby revoking Pharmacy Technician  
21 Registration No. TCH 30005 issued to Respondent Genoveva Pereda;

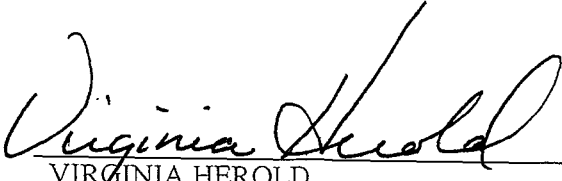
22 2. Revoking or suspending Pharmacy Technician Registration No. TCH 30005, issued  
23 to Genoveva Pereda; and

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

DATED: 12/17/10



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

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**Exhibit A**

**Decision and Order**

**Board of Pharmacy Case No. 3309**