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

10 In the Matter of the Accusation Against:

Case No. 3959

11 **GEOVANNA DE LA FUENTE**  
12 14314 Los Angeles St.  
13 Baldwin Park, CA 91706

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

14 Pharmacy Technician License No. TCH 78752

15 Respondent.

16  
17 Complainant alleges:

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 (Board).

21 2. On or about October 10, 2007, the Board issued Pharmacy Technician License No.  
22 TCH 78752 to Geovanna de la Fuente (Respondent). The Pharmacy Technician License was in  
23 full force and effect at all times relevant to the charges brought herein and will expire on June 30,  
24 2013, unless renewed.

25 **JURISDICTION**

26 3. This Accusation is brought before the Board under the authority of the following  
27 laws. All section references are to the Business and Professions Code unless otherwise indicated.

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1 licensee or registrant to perform the functions authorized by his license or registration in a manner  
2 consistent with the public health, safety, or welfare."

3 **COST RECOVERY**

4 10. Section 125.3 states, in pertinent part, that the Board may request the administrative  
5 law judge to direct a licentiate found to have committed a violation or violations of the licensing  
6 act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the  
7 case.

8 **CONTROLLED SUBSTANCES / DANGEROUS DRUGS**

9 11. Methamphetamine is a Schedule II controlled substance as designated by Health and  
10 Safety Code section 11055, subdivision (d)(2), and is categorized as a dangerous drug pursuant to  
11 section 4022.

12 **FIRST CAUSE FOR DISCIPLINE**

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

14 12. Respondent is subject to disciplinary action under section 490, 4300 and 4301,  
15 subdivision (l), in conjunction with California Code of Regulations, title 16, section 1770, on the  
16 grounds of unprofessional conduct, in that Respondent was convicted of crimes substantially  
17 related to the qualifications, functions or duties of a registered pharmacy technician which to a  
18 substantial degree evidence her present or potential unfitness to perform the functions authorized  
19 by her registration in a manner consistent with the public health, safety, or welfare, as follows:

20 a. On or about July 1, 2010, after pleading guilty and having deferred entry of judgment  
21 terminated, Respondent was convicted of two (2) misdemeanor counts, Count 1, violating Health  
22 and Safety Code section 11377(a) [possession of controlled substance, to wit, methamphetamine],  
23 and Count 2, violating Health and Safety Code section 11364(a) [possession of controlled  
24 substance smoking device] in the criminal proceeding entitled *The People of the State of*  
25 *California v. Geovanna delaFuente* (Super. Ct. Los Angeles County, 2009, No. 9JB08635). An  
26 arrest warrant was issued.

27 b. The circumstances underlying the conviction are that on or about September 30,  
28 2009, after a routine traffic stop and arresting Respondent on an outstanding arrest warrant, she

1 was found in possession of methamphetamine and its smoking device. Respondent admitted to  
2 smoking methamphetamine about two times a week to help get her chores done, and obtains her  
3 methamphetamine from her cousin.

4 c. On or about October 2, 2009, after pleading guilty, Respondent was convicted of one  
5 misdemeanor count of violating Vehicle Code section 14601.1(a) [drive when privilege  
6 suspended or revoked] in the criminal proceeding entitled *The People of the State of California v.*  
7 *Geovanna de la Fuente* (Super. Ct. Los Angeles County, 2009, No. 9JB06718). The Court  
8 sentenced Respondent to three (3) years probation, and ordered her to complete seven (7) days of  
9 community labor.

10 d. The circumstances underlying the conviction occurred on or about June 23, 2009, and  
11 Respondent was arrested.

12 **SECOND CAUSE FOR DISCIPLINE**

13 **(Convictions Involving Dangerous Drugs)**

14 13. Respondent is subject to disciplinary action under sections 4300 and 4301,  
15 subdivision (k), in that on or about July 1, 2010, Respondent sustained convictions involving the  
16 use, consumption, or self-administration of dangerous drugs, to wit, methamphetamine.  
17 Complainant refers to and by this reference incorporates the allegations set forth above in  
18 paragraph 12, subparagraphs a and b, inclusive, as though set forth fully.

19 **THIRD CAUSE FOR DISCIPLINE**

20 **(Illegal Possession of a Controlled Substance)**

21 14. Respondent is subject to disciplinary action under sections 4300 and 4301,  
22 subdivision (j), in conjunction with section 4060, on the grounds of unprofessional conduct, in  
23 that on or about September 30, 2009, Respondent was in possession of methamphetamine, a  
24 controlled substance and dangerous drug, without a valid prescription. Complainant refers to and  
25 by this reference incorporates the allegations set forth above in paragraph 12, subparagraphs a  
26 and b, inclusive, as though set forth fully.

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**FOURTH CAUSE FOR DISCIPLINE**

**(Dangerous Use of Controlled Substances)**

15. Respondent is subject to disciplinary action under sections 4300 and 4301, subdivision (h), on the grounds of unprofessional conduct, in that Respondent admitted to using methamphetamine, which use is it to the extent or in a manner as to be dangerous or injurious to herself or others. Complainant refers to and by this reference incorporates the allegations set forth above in paragraph 12, subparagraphs a and b, inclusive, as though set forth fully.

**FIFTH CAUSE FOR DISCIPLINE**

**(Violating Drug Statutes)**

16. Respondent is subject to disciplinary action under sections 4300 and 4301, subdivision (j), on the grounds of unprofessional conduct, for violating Health and Safety Code sections 11173, subdivision (a), and 11364, subdivision (a), in that Respondent obtained/possessed a controlled substance without a valid prescription. Complainant refers to and by this reference incorporates the allegations set forth above in paragraph 12, subparagraphs a and b, as though set forth fully.

**SIXTH CAUSE FOR DISCIPLINE**

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

17. Respondent is subject to disciplinary action under sections 4300 and 4301, subdivision (f), on the grounds of unprofessional conduct, in that Respondent committed acts involving moral turpitude, dishonesty, fraud, deceit and / or corruption. Complainant refers to and by this reference incorporates the allegations set forth above in paragraphs 12 - 16, inclusive, as though set forth fully.

**DISCIPLINE CONSIDERATIONS**

18. To determine the degree of discipline, Complainant alleges that:

a. On or about August 13, 2007, after pleading guilty, Respondent was convicted of one misdemeanor count of violating Vehicle Code section 12500(a) [drive without a valid driver's license] in the criminal proceeding entitled *The People of the State of California v. Geovanna de la Fuente* (Super. Ct. Los Angeles County, 2006, No. 6PK09957). The Court sentenced

1 Respondent to two (2) years probation, and ordered her to complete five (5) days of Tree Farm  
2 Service. The circumstances underlying the conviction occurred on or about December 13, 2006,  
3 and Respondent was arrested.

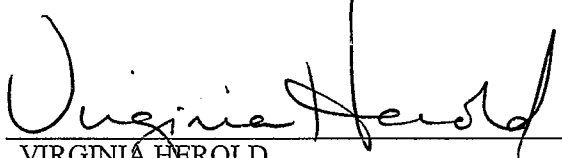
4 b. On or about July 30, 2003, after pleading guilty, Respondent was convicted of one  
5 interlineated misdemeanor count of violating Penal Code section 415(3) [offensive word in  
6 public] in the criminal proceeding entitled *The People of the State of California v. Geovanna*  
7 *de la Fuente* (Super. Ct. Los Angeles County, 2003, No. 3RH03916). The Court sentenced  
8 Respondent to 24 months probation, ordered her to complete 160 hours of community service,  
9 ordered her to stay away from the victim and ordered her to pay restitution to the victim. The  
10 circumstances occurred on or about July 4, 2003, when Respondent in concert with five (5)  
11 others, two males and three females, attacked victim Y.M. in the street after throwing bricks at  
12 her broken down vehicle and chasing her down.

13 **PRAYER**

14 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,  
15 and that following the hearing, the Board issue a decision:

- 16 1. Revoking or suspending Pharmacy Technician License No. TCH 78752, issued to  
17 Geovanna de la Fuente;  
18 2. Ordering Geovanna de la Fuente to pay the Board the reasonable costs of the  
19 investigation and enforcement of this case, pursuant to section 125.3; and  
20 3. Taking such other and further action as deemed necessary and proper.

21  
22 DATED: 3/19/12

  
23 VIRGINIA HEROLD  
24 Executive Officer  
25 Board of Pharmacy  
26 Department of Consumer Affairs  
27 State of California  
28 Complainant

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