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9 **BEFORE THE**
BOARD OF PHARMACY
10 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA
11

12 In the Matter of the Accusation Against:

Case No. 4323

13 **LAVERNE JOAN WILLIS**
966 Lorraine Pl 35
14 Rialto, CA 92376

A C C U S A T I O N

15 **Pharmacy Technician Registration No. TCH**
39707

16 Respondent.
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19 Complainant alleges:

20 **PARTIES**

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

23 2. On or about May 7, 2002, the Board of Pharmacy ("Board") issued Pharmacy
24 Technician Registration No. TCH 39707 to Laverne Joan Willis ("Respondent"). The Pharmacy
25 Technician Registration was in full force and effect at all times relevant to the charges brought
26 herein and will expire on March 31, 2014, unless renewed.

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1 **JURISDICTION**

2 3. This Accusation is brought before the Board, under the authority of the following
3 laws.

4 **STATUTORY PROVISIONS**

5 4. Business and Professions Code section 118, subdivision (b),¹ provides that the
6 expiration, surrender, or cancellation of a license shall not deprive the Board jurisdiction to
7 proceed with a disciplinary action during the period within which the license may be renewed,
8 restored, reissued or reinstated.

9 5. Section 4300 permits the Board to take disciplinary action by suspending or revoking
10 any license issued by the Board.

11 6. Section 4300.1 states, "The expiration, cancellation, forfeiture, or suspension of a
12 board-issued license by operation of law or by order or decision of the board or a court of law, the
13 placement of a license on a retired status, or the voluntary surrender of a license by a licensee
14 shall not deprive the board of jurisdiction to commence or proceed with any investigation of, or
15 action or disciplinary proceeding against, the licensee or to render a decision suspending or
16 revoking the license."

17 7. Section 490 states, in pertinent part:

18 "(a) In addition to any other action that a board is permitted to take against a licensee, a
19 board may suspend or revoke a license on the ground that the licensee has been convicted of a
20 crime, if the crime is substantially related to the qualifications, functions, or duties of the business
21 or profession for which the license was issued.

22 "(b) Notwithstanding any other provision of law, a board may exercise any authority to
23 discipline a licensee for conviction of a crime that is independent of the authority granted under
24 subdivision (a) only if the crime is substantially related to the qualifications, functions, or duties
25 of the business or profession for which the licensee's license was issued.

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28 ¹ All further statutory references are to the Business and Professions Code unless
otherwise indicated.

1 (c) A conviction within the meaning of this section means a plea or verdict of guilty or a
2 conviction following a plea of nolo contendere. Any action that a board is permitted to take
3 following the establishment of a conviction may be taken when the time for appeal has elapsed, or
4 the judgment of conviction has been affirmed on appeal, or when an order granting probation is
5 made suspending the imposition of sentence, irrespective of a subsequent order under the
6 provisions of Section 1203.4 of the Penal Code.

7 8. Section 4301 states, in pertinent part:

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

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12 "(f) The commission of any act involving moral turpitude, dishonesty, fraud, deceit, or
13 corruption, whether the act is committed in the course of relations as a licensee or otherwise, and
14 whether the act is a felony or misdemeanor or not.

15 "(g) Knowingly making or signing any certificate or other document that falsely represents
16 the existence or nonexistence of a state of facts.

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18 "(l) The conviction of a crime substantially related to the qualifications, functions, and
19 duties of a licensee under this chapter. The record of conviction of a violation of Chapter 13
20 (commencing with Section 801) of Title 21 of the United States Code regulating controlled
21 substances or of a violation of the statutes of this state regulating controlled substances or
22 dangerous drugs shall be conclusive evidence of unprofessional conduct. In all other cases, the
23 record of conviction shall be conclusive evidence only of the fact that the conviction occurred.
24 The board may inquire into the circumstances surrounding the commission of the crime, in order
25 to fix the degree of discipline or, in the case of a conviction not involving controlled substances
26 or dangerous drugs, to determine if the conviction is of an offense substantially related to the
27 qualifications, functions, and duties of a licensee under this chapter. A plea or verdict of guilty or
28 a conviction following a plea of nolo contendere is deemed to be a conviction within the meaning

1 of this provision. The board may take action when the time for appeal has elapsed, or the
2 judgment of conviction has been affirmed on appeal or when an order granting probation is made
3 suspending the imposition of sentence, irrespective of a subsequent order under Section 1203.4 of
4 the Penal Code allowing the person to withdraw his or her plea of guilty and to enter a plea of not
5 guilty, or setting aside the verdict of guilty, or dismissing the accusation, information, or
6 indictment.

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8 "(o) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the
9 violation of or conspiring to violate any provision or term of this chapter or of the applicable
10 federal and state laws and regulations governing pharmacy, including regulations established by
11 the board or by any other state or federal regulatory agency."

12 9. Section 493 states:

13 "Notwithstanding any other provision of law, in a proceeding conducted by a board within
14 the department pursuant to law to deny an application for a license or to suspend or revoke a
15 license or otherwise take disciplinary action against a person who holds a license, upon the
16 ground that the applicant or the licensee has been convicted of a crime substantially related to the
17 qualifications, functions, and duties of the licensee in question, the record of conviction of the
18 crime shall be conclusive evidence of the fact that the conviction occurred, but only of that fact,
19 and the board may inquire into the circumstances surrounding the commission of the crime in
20 order to fix the degree of discipline or to determine if the conviction is substantially related to the
21 qualifications, functions, and duties of the licensee in question.

22 "As used in this section, 'license' includes 'certificate,' 'permit,' 'authority,' and
23 'registration.'"

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1 **REGULATORY PROVISION**

2 10. California Code of Regulations, title 16, section 1770, states:

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

13 **FIRST CAUSE FOR DISCIPLINE**

14 **(Conviction of a Substantially Related Crime)**

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

19 13. On or about July 29, 2011, in a criminal proceeding entitled *People v. Laverne Joan*
20 *Willis* (Super. Ct. San Bernardino County, 2011, No. FSB904892), Respondent entered a guilty
21 plea and was convicted of one misdemeanor count of reckless driving with injury, a violation of
22 Vehicle Code section 23104, subdivision (a). The Court ordered Respondent to serve 42 days in
23 San Bernardino County Jail with 42 days credit for time served, placed her on 36 months
24 probation, and ordered that she pay restitution and \$270.00 in fines and fees.

25 14. The circumstances of the offense are as follows: On or about November 10, 2009,
26 Respondent was driving eastbound on Highland Avenue toward her passenger P.B.'s apartment in
27 San Bernardino, California, when Respondent "snapped" and began yelling "Fuck Jay-Z. Fuck
28 Beyonce. They are all devil worshippers." She told P.B. that she will worship her father because

1 he is God. Respondent turned southbound on E Street and began to drive at approximately 65 to
2 75 miles per hour while continuing to yell. Respondent asked P.B. several times, "Who do you
3 want me to kill?" while swerving toward pedestrians. When P.B. did not answer Respondent's
4 question, Respondent said, "Fuck you. I am going to kill you." As Respondent drove
5 southbound on E Street, she failed to stop for all stop signs and traffic signals from 16th Street to
6 Rialto Avenue. In the intersection of E Street and Rialto Avenue, Respondent failed to stop at a
7 red light and collided with a vehicle driven by C.S., who was traveling eastbound on Rialto
8 Avenue in the number one lane. This also caused a third vehicle, which was traveling eastbound
9 on Rialto Avenue in the number two lane to collide with Respondent's vehicle.

10 After the collision, Respondent stopped her vehicle for a short period of time, at which
11 point P.B. began to exit the vehicle. Respondent, however, began to drive again, so P.B. lost her
12 balance while exiting the vehicle and fell backwards, striking the back of her head on the asphalt.
13 Respondent continued southbound on E Street a few feet before exiting the vehicle and walking
14 away from the scene. C.S. followed Respondent until San Bernardino Police Officer L.R. arrived
15 at their location. As a result of the traffic collision, P.B. sought medical attention and suffered
16 physical pain, including but not limited to pain to her neck, head, and lower back, and scrapes and
17 bruises. S.C., a passenger of a vehicle involved in the collision, suffered six broken ribs, a
18 bruised lung, a bruised sternum, a bruised diaphragm, a bruised spleen, internal bleeding, and
19 bruising on the left side of her body from her armpit to her lower leg. She spent six days in the
20 hospital and was given an epidural to aid her breathing.

21 Respondent was arrested and charged with three felony counts including a violation of
22 Penal Code section 422 [criminal threats], Penal Code section 245, subdivision (a)(1) [assault
23 with a deadly weapon, by means likely to produce great bodily injury], and Vehicle Code section
24 20001, subdivision (a), [leaving the scene of an accident]. The San Bernardino County District
25 Attorney's Office dismissed the felonies in light of her guilty plea to a misdemeanor count of
26 Vehicle Code section 23104, subdivision (a) [reckless driving causing injury].

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SECOND CAUSE FOR DISCIPLINE

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

15. Respondent is subject to disciplinary action under Section 4301, subdivision (f), in that Respondent committed an act involving moral turpitude, dishonesty, fraud, deceit, or corruption. Complainant refers to, and by this reference incorporates, the allegations set forth above in paragraph 13 as though set forth fully herein.

THIRD CAUSE FOR DISCIPLINE

(Knowingly Making a False Statement of Fact)

16. Respondent is subject to disciplinary action under section 4301, subdivision (g), in that Respondent knowingly made a false statement of fact to the Board by failing to disclose her 2011 conviction on her renewal application for licensure. The circumstances are as follows: On or before March 30, 2012, Respondent submitted a renewal application for Pharmacy Technician Registration No. TCH 39707. On the renewal application, Respondent checked box "H", answering "NO" to the inquiry, "Since you last renewed your license, have you had any license disciplined by a government agency or other disciplinary body; or, have you been convicted of any crime in any state, the U S A and its territories, military court or a foreign country?" Complainant refers to, and by this reference incorporates, the allegations set forth above in paragraph 13 as though set forth fully herein.

FOURTH CAUSE FOR DISCIPLINE

(Violation of State Laws and Regulations Governing Pharmacy)

17. Respondent is subject to disciplinary action under section 4301, subdivision (o), in that she committed an act or several acts in violation of the state laws and regulations governing pharmacy, including regulations established by the board or by any other state or federal regulatory agency. Complainant refers to, and by this reference incorporates, the allegations set forth above in paragraphs 13 through 15, inclusive, as though set forth fully herein.

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1 **DISCIPLINARY CONSIDERATIONS**

2 18. To determine the degree of discipline, if any, to be imposed on Respondent,
3 Complainant alleges the following:

4 a. On or about April 4, 1994, in a prior criminal proceeding entitled *People v.*
5 *Laverne Joan Willis* (Mun. Ct., Valley Div., San Bernardino County, 1997, No. MVA004906),
6 Respondent was convicted of violating Penal Code section 488 [petty theft], a misdemeanor. She
7 was sentenced to one day in jail, placed on 12 months of probation, and ordered to serve 40 hours
8 in the Work Sentence Program in lieu of paying a \$280.00 fine. On or about August 22, 2003, the
9 conviction was set aside and dismissed pursuant to Penal Code section 1203.4.

10 b. On or about October 2, 1997, in a prior criminal proceeding entitled *People v.*
11 *Laverne Joan Willis* (Mun. Ct., Valley Div., San Bernardino County, 1997, No. MVA011599),
12 Respondent was convicted of violating Penal Code section 422 [criminal threats] and Penal Code
13 section 594, subdivision (a) [vandalism], both misdemeanors. Respondent was sentenced to 10
14 days in jail and placed on 36 months of probation. The circumstances of the offense are as
15 follows: On or about August 18, 1995 at approximately 10:35 p.m., Respondent pounded on a
16 neighbor's door in her apartment complex and yelled threats such as, "I'm going to kill you," and
17 "I'm going to get your ass." During this incident, Respondent also broke the neighbor's bedroom
18 window by throwing a "club" steering wheel lock.

19 c. On or about August 14, 2001, Respondent knowingly made a false statement of
20 fact to the Board by failing to disclose her 1994 and 1997 criminal convictions on her Application
21 for Registration as a Pharmacy Technician. The circumstances are as follows: On or after August
22 14, 2001, Respondent submitted her Application for Registration as a Pharmacy Technician. On
23 said application, under penalty of perjury, Respondent answered "No" to question "7." Question
24 "7" stated: "Have you ever been convicted of or pled no contest to a violation of any law of a
25 foreign country, the United States or any state laws or local ordinances? You must include all
26 misdemeanor and felony convictions, regardless of the age of the conviction, including those
27 which have been set aside under Penal Code sections 1000 or 1203.4. . . ." Complainant refers to,
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1 and by this reference incorporates, the allegations set forth above in paragraph 17, subparagraphs
2 (a) and (b), as though set forth fully herein.

3 **PRAYER**

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

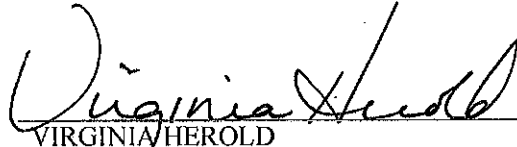
6 1. Revoking or suspending Pharmacy Technician Registration No. TCH 39707, issued
7 to Laverne Joan Willis;

8 2. Ordering Laverne Joan Willis to pay the Board of Pharmacy the reasonable costs of
9 the investigation and enforcement of this case, pursuant to Section 125.3; and

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

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12 DATED: _____

9/6/13



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

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