

1 KAMALA D. HARRIS  
Attorney General of California  
2 GREGORY J. SALUTE  
Supervising Deputy Attorney General  
3 KATHERINE MESSANA  
Deputy Attorney General  
4 State Bar No. 272953  
300 So. Spring Street, Suite 1702  
5 Los Angeles, CA 90013  
Telephone: (213) 897-2554  
6 Facsimile: (213) 897-2804

7 *Attorneys for Complainant*

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

11 In the Matter of the Accusation Against:

Case No. 4387

12 **AMBER B. EDWARDS**

13 4818 Stancroft Ave.  
Baldwin Park, CA 91706

14 Pharmacy Technician Registration No. TCH  
15 112583

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

16 Respondent.

17  
18 Complainant alleges:

19 **PARTIES**

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

22 2. On or about April 26, 2011, the Board of Pharmacy issued Pharmacy Technician  
23 Registration Number TCH 112583 to Amber B. Edwards ("Respondent"). The Pharmacy  
24 Technician Registration was in full force and effect at all times relevant to the charges brought  
25 herein and will expire on June 30, 2014, unless renewed.

26 **JURISDICTION AND STATUTORY PROVISIONS**

27 3. This Accusation is brought before the Board of Pharmacy ("Board"), Department of  
28 Consumer Affairs, under the authority of the following laws. All section references are to the

1 Business and Professions Code ("Code") unless otherwise indicated.

2 4. Section 4300 of the Code provides, in pertinent part, that every license issued by the  
3 Board is subject to discipline, including suspension or revocation.

4 5. Section 4300.1 of the Code provides:

5 "The expiration, cancellation, forfeiture, or suspension of a board-issued  
6 license by operation of law or by order or decision of the board or a court of law, the  
7 placement of a license on a retired status, or the voluntary surrender of a license by a  
8 licensee shall not deprive the board of jurisdiction to commence or proceed with any  
9 investigation of, or action or disciplinary proceeding against, the licensee or to render  
10 a decision suspending or revoking the license."

11 6. Section 118, subdivision (b), of the Code provides that the suspension, expiration,  
12 surrender or cancellation of a license shall not deprive the Board of jurisdiction to proceed with a  
13 disciplinary action during the period within which the license may be renewed, restored, reissued  
14 or reinstated.

15 7. Section 490 of the Code states, in pertinent part:

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

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

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

8. Section 4301 of the Code states, in pertinent part:

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

...

(f) The commission of any act involving moral turpitude, dishonesty,

1 fraud, deceit, or corruption, whether the act is committed in the course of relations as  
2 a licensee or otherwise, and whether the act is a felony or misdemeanor or not.

3 ...

4 (l) The conviction of a crime substantially related to the qualifications,  
5 functions, and duties of a licensee under this chapter. The record of conviction of a  
6 violation of Chapter 13 (commencing with Section 801) of Title 21 of the United  
7 States Code regulating controlled substances or of a violation of the statutes of this  
8 state regulating controlled substances or dangerous drugs shall be conclusive  
9 evidence of unprofessional conduct. In all other cases, the record of conviction shall  
10 be conclusive evidence only of the fact that the conviction occurred. The board may  
11 inquire into the circumstances surrounding the commission of the crime, in order to  
12 fix the degree of discipline or, in the case of a conviction not involving controlled  
13 substances or dangerous drugs, to determine if the conviction is of an offense  
14 substantially related to the qualifications, functions, and duties of a licensee under this  
15 chapter. A plea or verdict of guilty or a conviction following a plea of nolo  
16 contendere is deemed to be a conviction within the meaning of this provision. The  
17 board may take action when the time for appeal has elapsed, or the judgment of  
18 conviction has been affirmed on appeal or when an order granting probation is made  
19 suspending the imposition of sentence, irrespective of a subsequent order under  
20 Section 1203.4 of the Penal Code allowing the person to withdraw his or her plea of  
21 guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or  
22 dismissing the accusation, information, or indictment.”

### 23 REGULATORY PROVISIONS

24 9. California Code of Regulations, title 16, section 1770, states:

25 "For the purpose of denial, suspension, or revocation of a personal or  
26 facility license pursuant to Division 1.5 (commencing with Section 475) of the  
27 Business and Professions Code, a crime or act shall be considered substantially  
28 related to the qualifications, functions or duties of a 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 his license or registration in a manner  
consistent with the public health, safety, or welfare."

### 29 COST RECOVERY

30 10. Section 125.3 of the Code provides, in pertinent part, that the Board may request the  
31 administrative law judge to direct a licentiate found to have committed a violation or violations of  
32 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
33 enforcement of the case, with failure of the licentiate to comply subjecting the license to not being  
34 renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be  
35 included in a stipulated settlement.

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1 **FIRST CAUSE FOR DISCIPLINE**

2 **(Conviction of Substantially Related Crime)**

3 11. Respondent is subject to disciplinary action under section 490 and section 4301,  
4 subdivision (l) of the Code in conjunction with California Code of Regulations, title 16, section  
5 1770 in that Respondent was convicted of a crime substantially related to the qualifications,  
6 functions and duties of a pharmacy technician, as follows:

7 12. On or about April 17, 2012, Respondent pled nolo contendere to and was convicted of  
8 one misdemeanor count of violating Vehicle Code section 10851(a) [taking a vehicle without  
9 consent] and one misdemeanor count of violating Vehicle Code section 14601.1(a) [driving while  
10 license is suspended or revoked] in the criminal proceeding entitled *The People of the State of*  
11 *California v. Amber Beverly Edwards* (Super. Ct. of California, County of Los Angeles, 2012,  
12 No. 2JB03106). The Court ordered Respondent to serve 30 days in Los Angeles County Jail and  
13 placed her on 3 years probation, with terms and conditions. The circumstances surrounding the  
14 conviction are, as follows:

15 13. On or about April 15, 2012, County of Los Angeles Sheriff's Department Deputies  
16 ("Deputies") conducted a traffic stop on a vehicle driven by Respondent. Deputies observed  
17 Respondent remove an unknown object from the steering wheel and toss that object towards the  
18 front passenger area. Respondent admitted to Deputies that her driver's license was suspended  
19 and that she had no form of identification. Deputies observed the vehicle stereo and ignition  
20 missing. Deputies also observed a shaved vehicle key and a modified screwdriver in the vehicle.  
21 Deputies ran the vehicle identification number in the stolen vehicle database and discovered that  
22 the vehicle was reported stolen on April 9, 2012.

23 **SECOND CAUSE FOR DISCIPLINE**

24 **(Act Involving Dishonesty)**

25 14. Respondent is subject to disciplinary action under section 4301, subdivision (f) of the  
26 Code in that Respondent committed an act involving dishonesty when she drove a stolen vehicle.  
27 Respondent was subsequently convicted of one misdemeanor count of violating Vehicle Code  
28 section 10851(a) [taking a vehicle without consent]. The criminal conviction and dishonest act

1 are described in more particularity in paragraphs 12 and 13 above, inclusive and hereby  
2 incorporated by reference.

3 15. Respondent is subject to disciplinary action under section 4301, subdivision (f) of the  
4 Code in that Respondent committed an act involving dishonesty when she failed to disclose her  
5 April 17, 2012, conviction on her June 15, 2012, Request for Renewal of California Pharmacy  
6 Technician Registration. The criminal conviction is described in more particularity in paragraph  
7 12 above, inclusive and hereby incorporated by reference.

8 **PRAYER**

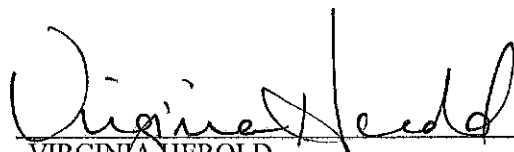
9 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,  
10 and that following the hearing, the Board of Pharmacy issue a decision:

11 1. Revoking or suspending Pharmacy Technician Registration Number TCH 112583,  
12 issued to Amber B. Edwards;

13 2. Ordering Amber B. Edwards to pay the Board of Pharmacy the reasonable costs of  
14 the investigation and enforcement of this case, pursuant to Business and Professions Code section  
15 125.3;

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

17  
18  
19 DATED: 7/22/13



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

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