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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. 4398

12 **SHARNA JANAY THOMAS**  
512 West 64th Place  
13 Inglewood, CA 90302

**ACCUSATION**

14 Pharmacy Technician Registration No. TCH  
104559

15 Respondent.  
16

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 (Board).

22 2. On or about July 16, 2010, the Board issued Pharmacy Technician Registration No.  
23 TCH 104559 to Sharna Janay Thomas (Respondent). The Pharmacy Technician Registration was  
24 in full force and effect at all times relevant to the charges brought herein and will expire on  
25 February 28, 2014, unless renewed.

26 **JURISDICTION**

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



1 division, from taking disciplinary action against a licensee or from denying a license for  
2 professional misconduct, notwithstanding that evidence of that misconduct may be recorded in a  
3 record pertaining to an arrest.

4 "This section shall not be construed to apply to any drug diversion program operated by any  
5 agency established under Division 2 (commencing with Section 500) of this code, or any  
6 initiative act referred to in that division."

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:

11 . . . .

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 . . . .

16 "(h) The administering to oneself, of any controlled substance, or the use of any dangerous  
17 drug or of alcoholic beverages to the extent or in a manner as to be dangerous or injurious to  
18 oneself, to a person holding a license under this chapter, or to any other person or to the public, or  
19 to the extent that the use impairs the ability of the person to conduct with safety to the public the  
20 practice authorized by the license.

21 . . . .

22 "(k) The conviction of more than one misdemeanor or any felony involving the use,  
23 consumption, or self-administration of any dangerous drug or alcoholic beverage, or any  
24 combination of those substances.

25 "(l) The conviction of a crime substantially related to the qualifications, functions, and  
26 duties of a licensee under this chapter. The record of conviction of a violation of Chapter 13  
27 (commencing with Section 801) of Title 21 of the United States Code regulating controlled  
28 substances or of a violation of the statutes of this state regulating controlled substances or

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

14 . . . .

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

19 **REGULATORY PROVISION**

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

21 "For the purpose of denial, suspension, or revocation of a personal or facility license  
22 pursuant to Division 1.5 (commencing with Section 475) of the Business and Professions Code, a  
23 crime or act shall be considered substantially related to the qualifications, functions or duties of a  
24 licensee or registrant if to a substantial degree it evidences present or potential unfitness of a  
25 licensee or registrant to perform the functions authorized by his license or registration in a manner  
26 consistent with the public health, safety, or welfare."

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1 COST RECOVERY

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

6 FIRST CAUSE FOR DISCIPLINE

7 **(Convictions of Substantially-Related Crimes)**

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

14 a. On or about July 07, 2011, after pleading *nolo contendere*, Respondent was convicted  
15 of one misdemeanor count of violating Vehicle Code section 23152, subdivision (b) [driving  
16 while having 0.08% or more, by weight, of alcohol in the blood]; and misdemeanor count of  
17 violating Vehicle Code section 14601.1, subdivision (a) [driving while having a suspended  
18 license], in the criminal proceeding entitled *The People of the State of California v. Sharna Janay*  
19 *Thomas* (Super. Ct. Los Angeles County, 2011, No. 1LT00583). The court sentenced  
20 Respondent to serve 2 days in jail, placed her on probation for a period of 3 years, and ordered  
21 her to pay a fine or serve 15 days in jail. The circumstances surrounding the conviction are that  
22 on or about January 28, 2011, a California Highway Patrol Officer, while on duty, during a  
23 routine traffic stop, stopped Respondent for failing to maintain a lane position. The officer made  
24 contact with the Respondent, and the Respondent provided the officer with a suspended driver's  
25 license. The officer smelled an odor of an alcoholic beverage emitting from Respondent's breath  
26 and person. The officer also observed Respondent to have slurred speech, red and watery eyes.  
27 The Respondent admitted to the officer that she had consumed, "Two Smirnoff's." The  
28 Respondent agreed to a series of Field Sobriety Test which she failed to complete satisfactorily.

1 Respondent subsequently agreed to two breath samples with results of .19% BAC and .18% BAC.

2 b. On or about November 28, 2006, after pleading *nolo contendere*, Respondent was  
3 convicted of one misdemeanor count of violating Penal Code section 415 (2) [disturbing the  
4 peace: loud/unreasonable noise], in the criminal proceeding entitled *The People of the State of*  
5 *California v. Sharna Janay Thomas* (Super. Ct. Los Angeles County, 2005, No. 5SB03612). The  
6 court sentenced Respondent to serve 2 days in jail. The circumstances surrounding the conviction  
7 are that on or about April 16, 2005, the Manhattan Beach Police Department set up a check point  
8 where Respondent was a passenger in the vehicle. The driver of the vehicle was arrested for  
9 driving while under the influence of alcohol. The Respondent was the owner of the vehicle and  
10 the officer advised Respondent that her vehicle was going to be impounded because the driver  
11 was driving her vehicle with a suspended license. The Respondent became belligerent and began  
12 to yell and cuss at the officer. The Respondent yelled at the officer, "You're not taking my F...ing  
13 car." The Respondent continued to yell profanity at the officer and at her friend being arrested.  
14 The officer smelled a strong odor of an alcoholic beverage emitting from Respondent's breath and  
15 person. The officer observed Respondent to have poor balance, slurred speech, red and watery  
16 eyes. The Respondent was subsequently arrested for violating Penal Code section 647,  
17 subdivision (f), after the officer determined that Respondent was intoxicated to the extent that she  
18 could no longer care for herself or the safety of others.

19 c. On or about November 28, 2000, after pleading *guilty*, Respondent was convicted of  
20 one misdemeanor count of violating Penal Code section 484, subdivision (a) [theft], in the  
21 criminal proceeding entitled *The People of the State of California v. Sharna Janay Thomas*  
22 (Super. Ct. Los Angeles County, 2000, No. 0WL04021). The court placed Respondent on  
23 probation for a period of 36 months, and fined her. The circumstances surrounding the conviction  
24 are that on or about November 02, 2000, Los Angeles Police Officers responded to a call to  
25 investigate a suspect in custody for attempting to cash a forged check at a Well's Fargo Bank  
26 Branch, in the city of Los Angeles, Ca. The bank manager verified that the check sequence  
27 presented by Respondent was off and that the business indicated on the check did not authorize  
28 the check to be cashed. The officers identified Respondent as the female suspect who attempted

1 to cash a forged check. The officers arrested the Respondent for violating Penal Code section 470  
2 and a warrant check revealed that Respondent had an outstanding warrant.

3 d. On or about December 21, 1998, Respondent was convicted of one misdemeanor  
4 count of violating Penal Code section 602 (j) [trespass: injure to property], in the criminal  
5 proceeding entitled *The People of the State of California v. Sharna Janay Thomas* (Super. Ct. Los  
6 Angeles County, 1998, No. 8PN06839-02). The court sentenced Respondent to serve 1 day in  
7 jail, placed her on probation for a period of 24 months, and fined her. The circumstances  
8 surrounding the conviction are that on or about October 13, 1998, Respondent was observed by  
9 loss prevention officers at Nordstrom Department Store, via the store surveillance camera,  
10 entering the department store with a large purse and grabbing items quickly. The officer followed  
11 the Respondent into the dressing room and observed her placing items in her purse from an  
12 adjacent stall. The Respondent was observed exiting the store, passing numerous registers,  
13 without paying for the merchandise concealed in her purse.

14 **SECOND CAUSE FOR DISCIPLINE**

15 **(Dangerous Use of Alcohol)**

16 12. Respondent is subject to disciplinary action under sections 4300 and 4301,  
17 subdivision (h), on the grounds of unprofessional conduct, in that Respondent did use an  
18 alcoholic beverage to the extent or in a manner as to be dangerous or injurious to oneself or others  
19 when she was found to be under the influence of alcohol on January 28, 2011 and April 16, 2005.  
20 Complainant refers to, and by this reference incorporates, the allegations set forth above in  
21 paragraph 11, subparagraphs (a) and (b), inclusive, as though set forth fully.

22 **THIRD CAUSE FOR DISCIPLINE**

23 **(Convictions Involving Alcohol)**

24 13. Respondent is subject to disciplinary action under sections 4300 and 4301,  
25 subdivision (k), on the grounds of unprofessional conduct, in that Respondent was convicted of  
26 more than one misdemeanor, involving the use, consumption, or self-administration of any  
27 dangerous drug or alcoholic beverage, or any combination of those substances, when she was  
28 found to be under the influence of an alcoholic beverage on January 28, 2011 and April 16, 2005

1 and convicted for violating Vehicle Code section 23152, subdivision (b) and Penal Code section  
2 415 (2). Complainant refers to, and by this reference incorporates, the allegations set forth above  
3 in paragraph 11, subparagraphs (a) and (b), inclusive, as though set forth fully.

4 **FOURTH CAUSE FOR DISCIPLINE**

5 **(Act Involving Moral Turpitude, Dishonesty, Fraud, Deceit and / or Corruption)**

6 14. Respondent is subject to disciplinary action under sections 4300 and 4301,  
7 subdivision (f), on the grounds of the unprofessional conduct, in that Respondent committed acts  
8 and was convicted of crimes involving moral turpitude, dishonesty, fraud, deceit, and / or  
9 corruption. Complainant refers to, and by this reference incorporates, the allegations set forth  
10 above in paragraph 11, subparagraphs (a) through (d), inclusive, as though set forth fully.

11 **FIFTH CAUSE FOR DISCIPLINE**

12 **(Violation of Pharmacy Act)**

13 15. Respondent is subject to disciplinary action under section 4301, subdivision (o), on  
14 the grounds of unprofessional conduct, in that Respondent committed acts and was convicted of  
15 crimes that violated the Pharmacy Act. Complainant refers to, and by this reference incorporates,  
16 the allegations set forth above in paragraphs 11 through 14, inclusive, as though set forth fully.

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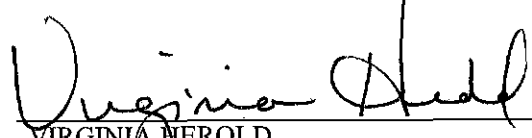
**PRAYER**

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

1. Revoking or suspending Pharmacy Technician Registration No. TCH 104559, issued to Sharna Janay Thomas;
2. Ordering Sharna Janay Thomas to pay the Board the reasonable costs of the investigation and enforcement of this case, pursuant to Code section 125.3; and
3. Taking such other and further action as deemed necessary and proper.

DATED: \_\_\_\_\_

8/14/14



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

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