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8	BEFORE THE BOARD OF PHARMACY		
9	DEPARTMENT OF CONSUMER AFFAIRS STATE OF CALIFORNIA		
10]	
11	In the Matter of the Accusation Against:	Case No. 4777	
12	BRITTANY NICOLE ANTOGNAZZI 18 Virginia Gardens		
13	Berkeley, CA 94702	ACCUSATION	
14	Pharmacy Technician License No. TCH 83750		
15	Respondent.		
16	Complainant alleges:		
17	<u>PARTIES</u>		
18	1. Virginia Herold (Complainant) brings this Accusation solely in her official capacity		
19	as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs.		
20	2. On or about May 20, 2009, the Board of Pharmacy issued Pharmacy Technician		
21	License Number TCH 83750 to Brittany Nicole Antognazzi (Respondent). The Pharmacy		
22	Technician License was in full force and effect at all times relevant to the charges brought herein		
23	and will expire on June 30, 2014, unless renewed.		
24			
25	JURISDICTION		
26	3. This Accusation is brought before the Board of Pharmacy (Board), Department of		
27	Consumer Affairs, under the authority of the following laws. All section references are to the		
28	Business and Professions Code (Code) unless otherwise indicated		

- 4. Section 4011 of the Code provides that the Board shall administer and enforce both the Pharmacy Law [Bus. & Prof. Code, § 4000 et seq.] and the Uniform Controlled Substances Act [Health & Safety Code, § 11000 et seq.].
- 5. Section 4300(a) of the Code provides that every license issued by the Board may be suspended or revoked.
- 6. Section 4300.1 of the Code provides that the expiration, cancellation, forfeiture, or suspension of a Board-issued license, the placement of a license on a retired status, or the voluntary surrender of a license by a licensee, shall not deprive the Board of jurisdiction to commence or proceed with any investigation of, or action or disciplinary proceeding against, the licensee or to render a decision suspending or revoking the license.

STATUTORY AND REGULATORY PROVISIONS

- 7. Section 4301 of the Code provides, in pertinent part, that the Board shall take action against any holder of a license who is guilty of "unprofessional conduct," defined to include, but not be limited to, any of the following:
- (l) The conviction of a crime substantially related to the qualifications, functions, and duties of a licensee under this chapter.
- 8. Section 490 of the Code provides, in pertinent part, that the Board may suspend or revoke a license when it finds that the licensee has been convicted of a crime substantially related to the qualifications, functions or duties of the license.
 - 9. California Code of Regulations, title 16, section 1770, states:
- "For the purpose of denial, suspension, or revocation of a personal or facility license pursuant to Division 1.5 (commencing with Section 475) of the Business and Professions Code, a crime or act shall be considered substantially 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 her license or registration in a manner consistent with the public health, safety, or welfare."

10. Section 125.3 of the Code provides, in pertinent part, that the Board may request the administrative law judge to direct a licentiate found to have committed a violation of the licensing act to pay a sum not to exceed its reasonable costs of investigation and enforcement.

FACTUAL BACKGROUND

- 11. On or about March 2, 2013, Beaumont (California) Police Department officer(s) were called to respond to a domestic disturbance at a residence in Desert Hot Springs, California, and were told by members of Respondent's family that Respondent had gotten into argument(s) with one or more members of the family. Respondent's family further reported that Respondent told her boyfriend, who was present and known to own a handgun, to shoot Respondent's brother, and that Respondent said she and her boyfriend would come back and kill everybody in the family. Both Respondent's brother and her mother signed citizen's arrest forms against Respondent.
- below). On or about April 21, 2013, Desert Hot Springs (California) Police Department officer(s) were called to a residence in that city to respond to a report of vandalism. They discovered that the tire(s) on Respondent's brother's car had been slashed, which Respondent's brother attributed to Respondent. Respondent's brother said that the previous night his sister (Respondent) had said he had better drop the pending charges, or "watch what happens," and had also said specifically his car would be damaged/Respondent would slash his tires if he did not drop the charges. He also produced a letter that he said Respondent had given him to send to the District Attorney, written as if Respondent's brother were the author, saying that Respondent's brother forgave her and did not want the District Attorney to pursue the charges. Respondent made the threats, and she said that Respondent admitted to having slashed her brother's tire(s).
 - 13. Respondent was arrested and subsequently charged for this conduct (see below).

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FIRST CAUSE FOR DISCIPLINE

(Conviction of Substantially Related Crime(s))

- 14. Respondent is subject to discipline under section 4301(l) and/or section 490 of the Code, by reference to California Code of Regulations, title 16, section 1770, for the conviction of substantially related crime(s), in that on or about May 2, 2013, in the criminal case *People v. Brittany Antognazzi*, Case No. INM1302030 in Riverside County Superior Court, Respondent was convicted of violating Penal Code section 422 (Criminal Threats of Death or Great Bodily Injury), a misdemeanor. The conviction was entered as follows:
- a. On or about March 2, 2013, based on the incident(s) described in paragraph 11 above, Respondent was placed under arrest on charges including a suspected violation of Penal Code section 422 (Criminal Threats of Death or Great Bodily Injury).
- b. On or about March 6, 2013, Respondent was charged by criminal complaint in Case No. INM1302030 with violating Penal Code section 422 (Criminal Threats of Death or Great Bodily Injury), a misdemeanor.
- c. On or about May 2, 2013, Respondent pleaded guilty and was convicted of violating Penal Code section 422 (Criminal Threats of Death or Great Bodily Injury), a misdemeanor. Respondent was sentenced to a period of summary probation of three (3) years, on terms and conditions including 28 days in county jail, search conditions, an order not to annoy, harass, threaten, or disturb the peace of her brother, and fines and fees.

SECOND CAUSE FOR DISCIPLINE

(Conviction of Substantially Related Crime(s))

15. Respondent is subject to discipline under section 4301(l) and/or section 490 of the Code, by reference to California Code of Regulations, title 16, section 1770, for the conviction of substantially related crime(s), in that on or about May 2, 2013, in the criminal case *People v. Brittany Antognazzi*, Case No. INF1301020 in Riverside County Superior Court, Respondent was convicted of violating Penal Code section 136.1, subdivision (a)(2) (Attempting to Prevent or Dissuade Witness from Testifying), a misdemeanor. The conviction was entered as follows:

- a. On or about April 21, 2013, based on the incident(s) described in paragraph 12 above, Respondent was placed under arrest on charges including a suspected violation of Penal Code section 136.1, subdivision (a)(2) (Attempting to Prevent/Dissuade Witness from Testifying).
- b. On or about April 25, 2013, Respondent was charged by criminal complaint in Case No. INF1301020 with violating Penal Code section 136.1, subdivision (a)(2) (Attempting to Prevent/Dissuade Witness from Testifying), a felony.
- c. On or about May 2, 2013, the charge was amended to a misdemeanor and then Respondent pleaded guilty and was convicted of violating Penal Code section 136.1, subdivision (a)(2) (Attempting to Prevent/Dissuade Witness from Testifying), a misdemeanor. Respondent was sentenced to a period of summary probation of thirty-six (36) months, on terms and conditions including 28 days in county jail, 200 hours of community service, search conditions, counseling/rehabilitation/treatment as ordered by probation, anger management counseling, an order not to annoy, harass, threaten, or disturb the peace of her brother, and fines and fees.

THIRD CAUSE FOR DISCIPLINE

(Unprofessional Conduct)

16. Respondent is subject to discipline under section 4301 of the Code in that, as described in paragraph(s) 11 to 15 above, Respondent engaged in unprofessional conduct.

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 License Number TCH 83750, issued to Brittany Nicole Antognazzi (Respondent);
- 2. Ordering Respondent to pay the Board the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;

1	3. Taking such other and further action as is deemed necessary and proper.	
2	DATED: 10/21/13 Visinia Herold	
3	VIRGINIA NEROLD	
4	Executive Officer Board of Pharmacy	
5	Department of Consumer Affairs State of California	
6	Complainant	
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