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8		
9	BEFORE THE BOARD OF PHARMACY	
10	DEPARTMENT OF CONSUMER AFFAIRS STATE OF CALIFORNIA	
11		CALIFORNIA
12	In the Matter of the Accusation Against:	Case No. 4810
13	JEANINE W. GONZALES, P.O. Box 717	ACCUSATION
14	Mc Arthur, CA 96056	
15	Pharmacy Technician Registration Number TCH 30668	
16	Respondent.	
17	Teospondon.	
18		
19	Virginia Herold ("Complainant") alleges:	
20	<u>PARTIES</u>	
21	1. Complainant brings this Accusation solely in her official capacity as the Executive	
22	Officer of the Board of Pharmacy, Department of Consumer Affairs.	
23	2. On or about September 10, 1999, the Board of Pharmacy issued Pharmacy Technician	
24	Registration Number TCH 30668 to Jeanine W. Gonzales ("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 July 31, 2015, unless renewed.	
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Accusation (Case No. 4810)

#### **JURISDICTION**

- 3. This Accusation is brought before the Board of Pharmacy ("Board"), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.
  - 4. Code Section 4300 provides, in pertinent part:
  - (a) Every license issued may be suspended or revoked.
- 5. Code Section 4300.1 provides, in pertinent part, that the expiration, cancellation, forfeiture, or suspension of a board-issued license by operation of law or by order or decision of the board or a court of law, 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 PROVISIONS**

- 6. Code Section 4306 provides, in pertinent part, that it shall constitute unprofessional conduct and a violation of this chapter ("Pharmacy Law") for any person licensed under this chapter to violate, attempt to violate, directly or indirectly, any provision or term of this article or any regulations duly adopted under those laws.
- 7. Code Section 4301 provides, in pertinent part, that the Board shall take action against any licensee who is guilty of unprofessional conduct, which is defined by Code section 4301 as including, but not limited to, any of the following:
- "(f) The commission of any act involving moral turpitude, dishonesty, fraud, deceit, or corruption, whether the act is committed in the course of relations as a licensee or otherwise, and whether the act is a felony or misdemeanor or not."
- "(I) The conviction of a crime substantially related to the qualifications, functions, and duties of a licensee under this chapter."

...

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

#### COST RECOVERY

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

## FIRST CAUSE FOR DISCIPLINE

### (Conviction of Crime)

- 9. Respondent is subject to discipline under Code section 4301, subdivision (*l*), for unprofessional conduct, in that Respondent was convicted of the following crime which is substantially related to the qualifications, functions or duties of a licensed pharmacy technician: On or about January 29, 2013, in the case of *People v. Jeanine Wynn Gonzales* (Super. Ct. Shasta County, Case No. 12 F 0008291), Respondent was convicted by the Court on her plea of guilty of violating Penal Code section 487, subdivision (a) (Grand Theft by Embezzlement (\$28,000)), a felony. The circumstances of the crime were as follows:
- 10. On and between August 10, 2012 and August 21, 2012, while working the overnight shift as an assistant manager for Rite Aid, Respondent took envelopes of money from the store safe which she had access to due to her position as assistant store manager. Respondent embezzled a total of \$28,000 in cash from the store.

#### SECOND CAUSE FOR DISCIPLINE

#### (Dishonest/Corrupt Acts)

11. Respondent is subject to discipline under Code section 4301, subdivision (f), for unprofessional conduct in that Respondent committed dishonest, deceitful, and corrupt acts by embezzling \$28,000 while working as an assistant store manager at Rite Aid, as more fully set forth in paragraphs 9 and 10 above.

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#### THIRD CAUSE FOR DISCIPLINE

# (Violating Laws and Regulations Governing Pharmacy)

12. Respondent is subject to discipline for unprofessional conduct under Code sections 4306 and 4301, subdivision (o), in that Respondent violated the laws and regulations governing pharmacy, as more fully set forth in paragraphs 9 through 11 above.

#### **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 Number TCH 30668, issued to Jeanine W. Gonzales;
- 2. Ordering Jeanine W. Gonzales to pay the Board of Pharmacy the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3; and
  - 3. Taking such other and further action as deemed necessary and proper.

DATED: 9/6/13

VIRGINIA HEROLD
Executive Officer
Board of Pharmacy

Department of Consumer Affairs

State of California Complainant

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