

1 KAMALA D. HARRIS  
Attorney General of California  
2 ARMANDO ZAMBRANO  
Supervising Deputy Attorney General  
3 CRISTINA FELIX  
Deputy Attorney General  
4 State Bar No. 195663  
300 So. Spring Street, Suite 1702  
5 Los Angeles, CA 90013  
Telephone: (213) 897- 2455  
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. 4989

12 **NATHASJA HEIDI SANTOS**  
329 S. San Gabriel Blvd  
13 Pasadena, CA 91107

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

14 Pharmacy Technician Registration  
15 No. TCH 64134

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 (Board), Department of Consumer Affairs.

22 2. On or about August 10, 2005, the Board issued Pharmacy Technician Registration  
23 No. TCH 64134 to Nathasja Heidi Santos (Respondent). The Pharmacy Technician Registration  
24 was in full force and effect at all times relevant to the charges brought herein. On February 17,  
25 2015, the Board automatically suspended Technician Registration No. TCH 64134, until at least  
26 July 25, 2017, pursuant to Business and Professions Code Section 4311, subdivision (a),  
27 following Respondent's incarceration after conviction of several felonies, on or about July 25,  
28 2014, as set forth more fully below in paragraph 11, subdivisions (a) through (c).

1 **JURISDICTION**

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

4 **STATUTORY PROVISIONS**

5 4. Section 490 states, in pertinent part:

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

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

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

20 5. Section 4300 provides in pertinent part, that every license issued by the Boards is  
21 subject to discipline, including suspension or revocation.

22 6. Section 4300.1 states:

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

28 ///

1           7.    Section 4301 states, in pertinent part:

2           "The board shall take action against any holder of a license who is guilty of unprofessional  
3           conduct or whose license has been procured by fraud or misrepresentation or issued by mistake.

4           Unprofessional conduct shall include, but is not limited to, any of the following:

5           ...

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

9           ...

10          (j)    The violation of any of the statutes of this state, or any other state, or of the United  
11          States regulating controlled substances and dangerous drugs.

12          ...

13          (l)    The conviction of a crime substantially related to the qualifications, functions, and  
14          duties of a licensee under this chapter. The record of conviction of a violation of Chapter 13  
15          (commencing with Section 801) of Title 21 of the United States Code regulating controlled  
16          substances or of a violation of the statutes of this state regulating controlled substances or  
17          dangerous drugs shall be conclusive evidence of unprofessional conduct. In all other cases, the  
18          record of conviction shall be conclusive evidence only of the fact that the conviction occurred.  
19          The board may inquire into the circumstances surrounding the commission of the crime, in order  
20          to fix the degree of discipline or, in the case of a conviction not involving controlled substances  
21          or dangerous drugs, to determine if the conviction is of an offense substantially related to the  
22          qualifications, functions, and duties of a licensee under this chapter. A plea or verdict of guilty or  
23          a conviction following a plea of nolo contendere is deemed to be a conviction within the meaning  
24          of this provision. The board may take action when the time for appeal has elapsed, or the  
25          judgment of conviction has been affirmed on appeal or when an order granting probation is made  
26          suspending the imposition of sentence, irrespective of a subsequent order under Section 1203.4 of  
27          the Penal Code allowing the person to withdraw his or her plea of guilty and to enter a plea of not  
28

1 guilty, or setting aside the verdict of guilty, or dismissing the accusation, information, or  
2 indictment.

3 ...

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

### 8 REGULATORY PROVISIONS

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

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

### 16 COST RECOVERY

17 9. Section 125.3 provides, in pertinent part, that the Board may request the  
18 administrative law judge to direct a licentiate found to have committed a violation or violations of  
19 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
20 enforcement of the case, with failure of the licentiate to comply subjecting the license to not  
21 being renewed or reinstated. If a case settles, recovery of investigation and enforcement costs  
22 may be included in a stipulated settlement.

### 23 CONTROLLED SUBSTANCE / DANGEROUS DRUG

24 10. "Methamphetamine," is a schedule II controlled substance as defined in Health and  
25 Safety Code section 11055, subdivision (c)(14), and is categorized a dangerous drug pursuant to  
26 section 4022.

27 ///

28 ///

1 **FIRST CAUSE FOR DISCIPLINE**

2 **(Convictions of Substantially Related Crimes)**

3 11. Respondent is subject to disciplinary action under sections 490, 4300, and 4301,  
4 subdivision (l), in conjunction with California Code of Regulations, title 16, section 1770, on the  
5 grounds of unprofessional conduct, in that Respondent was convicted of crimes substantially  
6 related to the qualifications, functions, and duties of a pharmacy technician, as follows:

7 a. On or about October 22, 2014, after pleading nolo contendere, Respondent was  
8 convicted of one felony count of violating Penal Code section 459 [second degree: commercial  
9 burglary], one felony count of violating Penal Code section 530.5(a) [identity theft], and one  
10 felony count of violating Penal Code section 484e(d) [theft] in the criminal proceeding entitled  
11 *The People of the State of California v. Nathasja Heidi Santos* (Super. Ct. L.A. County, 2014,  
12 No. KA104379.) The Court sentenced Respondent to serve 8 months in Los Angeles County Jail  
13 for the Penal Code 459 conviction, and an additional 2 years for the remaining convictions, jail  
14 time to run concurrent with her 3 year term in criminal proceeding entitled *The People of the*  
15 *State of California v. Nathasja Heidi Santos* (Super. Ct. L.A. County, 2014, No. NA097841).  
16 The circumstances surrounding the convictions are that on or about October 23, 2013,  
17 Respondent used a credit card not belonging to her to check into Pacific Palms Hotel in the City  
18 of Industry. Respondent was in possession of several credit cards not belonging to her when she  
19 was arrested.

20 b. On or about July 25, 2014, after pleading nolo contendere, Respondent was convicted  
21 of one felony count of violating Penal Code section 459 [second degree: commercial burglary]  
22 and four felony counts of violating Penal Code section 475, subdivision (a) [forgery] in the  
23 criminal proceeding entitled *The People of the State of California v. Nathasja Heidi Santos*  
24 (Super. Ct. L.A. County, 2014, No. NA097841.) The Court sentenced Respondent to serve 3  
25 years in Los Angeles County Jail and denied probation. The circumstances surrounding the  
26 conviction are that on or about November 12, 2013, Respondent used an identification card and a  
27 credit card not belonging to her to check into the Westin Hotel in Long Beach, CA.

28 ///

1 c. On or about September 18, 2013, after pleading nolo contendere, Respondent was  
2 convicted of one felony count of violating Penal Code section 530.5, subdivision (a) [identity  
3 theft] in the criminal proceeding entitled *The People of the State of California v. Nathasja Heidi*  
4 *Santos* (Super. Ct. L.A. County, 2013, No. GA090399.) On or about July 25, 2014, Respondent  
5 was remanded to custody and was sentenced to serve 3 years in Los Angeles County Jail. The  
6 circumstances surrounding the conviction are that on or about May 31, 2013, during an  
7 investigation by the Pasadena Police Department of criminal threats against Respondent by her  
8 boyfriend, J.C., an officer attempted to reach Respondent to warn her but was unable to contact  
9 her. The officer received information that J.C. could possibly be staying at the Budget Inn  
10 located at 15412 Francisquito Ave, La Puente, CA. The officers became aware that the only  
11 person registered at the hotel was not a regular customer and used the name Nicole Lopez.  
12 However, Respondent's car was listed under the registration card for Nicole Lopez. As the  
13 officers were heading to Respondent's room, Respondent was seen crossing the street.  
14 Respondent told officers that J.C. was in her hotel room, room 120. When the officers entered  
15 the room they found, in plain sight, a photocopier machine, several checks belonging to Andrew  
16 Tran, a check book belonging to Feliz Chavez, a blue paper with personal profiles on it, and a  
17 white card reader. There was also a large Methamphetamine smoking pipe, with white residue  
18 and burn marks on it, on the table. The officers also found a small ziploc bag containing  
19 Methamphetamine inside a white Chanel gift bag. When asked if she had anything illegal in her  
20 possession, Respondent became nervous and avoided the question. During a search of  
21 Respondent's purse, one of the officers found an ID in the name of Nicole Lopez. The ID had  
22 Respondent's picture but false information. The officer also found a counterfeit \$100.00 bill, a  
23 stolen checkbook, a Visa card in the name of Nicole Lopez and two additional credit cards. A  
24 camcorder containing a video of Respondent and her boyfriend smoking methamphetamine was  
25 also found on the table in the room. Additional identity theft profiles were found in a cargo bag  
26 belonging to Respondent and additional items of stolen mail belonging to different people were  
27 found in Respondent's vehicle.

28 ///

1 **SECOND CAUSE FOR DISCIPLINE**

2 **(Acts Involving Moral turpitude, Dishonesty, Fraud, Deceit, or Corruption)**

3 12. Respondent is subject to disciplinary action under section 4301, subdivision (f), in  
4 that, Respondent committed acts involving moral turpitude, dishonesty, fraud, deceit, or  
5 corruption with the intent to substantially benefit herself, or substantially injure another, as  
6 follows:

7 a. On or about November 12, 2013 and May 31, 2013 Respondent was in possession of  
8 false documents. Complainant refers to, and by reference incorporates, the allegations set forth  
9 above in paragraph 11, subparagraphs (b) and (c), inclusive, as though set forth fully.

10 b. On or about September 15, 2013, the Anaheim Police Department responded to a call  
11 of suspicious circumstances at the Marriott Hotel located at 700 W. Convention Way, Anaheim,  
12 California. When they arrived at the location the security officer directed them to a group of four  
13 subjects sitting in the lobby that refused to pay a \$500.00 bill. After the security officers had  
14 gone to their room they tried to pay the balance with several credit cards. During a search of the  
15 room the police officers found a wallet with a California identification that belonged to  
16 Respondent. A second California identification was found in her wallet that appeared to be  
17 counterfeit with Respondent's picture. Officers found additional fraudulent credit cards and  
18 checks in the room with Respondent's information. Respondent was subsequently arrested for  
19 violating Penal Code section 530.5 [identity theft]. Subsequently, on or about September 18,  
20 2013, criminal charges were filed in the matter entitled *The People of the State of California v.*  
21 *Nathasja Heidi Santos* (Super. Ct. Orange County, 2013, No. 13NF3209.) On or about July 16,  
22 2014, Respondent failed to appear at the North Justice Center for a preliminary hearing. The  
23 Court issued a bench warrant in the amount of \$50,000.

24 ///

25 ///

26 ///

27 ///

28

1 c. On or about April 12, 2013, the Los Angeles Police Department received a radio call  
2 of a citizen following a possible kidnap suspect. When the officers located the vehicle, they  
3 conducted a traffic stop. Respondent was the driver of the vehicle. When asked, if someone had  
4 tried to kidnap her or if she got into a physical altercation with someone, she replied, "no."  
5 Respondent indicated that the reporting party was her mother because she had not come home in  
6 a couple of days and believed that her boyfriend was forcing her into using narcotics. During a  
7 consensual search of her vehicle, the officer found a long clear plastic pipe containing an off  
8 white crystalline substance resembling Methamphetamine residue. Respondent was subsequently  
9 arrested for violating Health and Safety Code section 11364 [possession of paraphernalia].  
10 Officers also recovered a red box containing various credit cards, counterfeit bills and ID's from  
11 a plastic bag behind the passenger seat. A black laptop bag containing various credit cards,  
12 checks, opened mail from different addresses, a credit card reader, a laptop, and a credit card  
13 embossing machine in a white luggage bag were recovered from the trunk. Respondent was  
14 arrested on additional charges of violating Penal Code section 496, subdivision (a) [receiving  
15 stolen property. When asked why there was a picture of her on a California identification with a  
16 different name, Respondent stated that her ex-boyfriend made the identification a while ago to  
17 book hotels without using her real name.

18 **THIRD CAUSE FOR DISCIPLINE**

19 **(Possession of Drug Paraphernalia)**

20 13. Respondent is subject to disciplinary action under sections 4300 and 4301,  
21 subdivision (j), on the grounds of unprofessional conduct, in that on or about April 12, 2013,  
22 Respondent was in possession of a glass pipe. Complainant refers to, and by this reference  
23 incorporates, the allegations set forth above in paragraph 12, subparagraph (c), as though set forth  
24 fully.

25 ///

26 ///

27 ///

28



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**FOURTH CAUSE FOR DISCIPLINE**

**(Unprofessional Conduct / Violation of Licensing Chapter)**

14. Respondent is subject to disciplinary action under section 4301, subdivision (o), in that Respondent committed acts of unprofessional conduct and / or violated provisions of the licensing chapter. Complainant refers to, and by this reference incorporates, the allegations set forth above in paragraphs 11-13, inclusive, as though set forth fully.

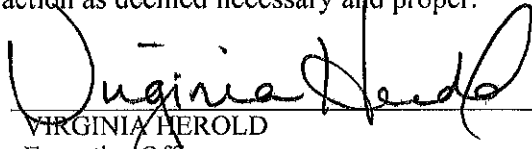
**PRAYER**

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

1. Revoking or suspending Pharmacy Technician Registration No. TCH 64134, issued to Nathasja Heidi Santos;
2. Ordering Nathasja Heidi Santos to pay the Board the reasonable costs of the investigation and enforcement of this case, pursuant to section 125.3; and
3. Taking such other and further action as deemed necessary and proper.

DATED:

2/18/15



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

LA2014511258  
51595861\_4.doc  
Me cf