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8  
9 **BEFORE THE**  
**BOARD OF PHARMACY**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
**STATE OF CALIFORNIA**  
11

12 In the Matter of the Accusation Against:

Case No. 5014

13 **INDEESHA ROSHAY MORRIS**  
14 **650 North Imperial Avenue, Apartment 30**  
**Brawley, CA 92227**

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

15 **Pharmacy Technician Registration No. TCH 98455**

16 Respondent.  
17

18 Complainant alleges:

19 **PARTIES**

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

22 2. On January 21, 2010, the Board of Pharmacy issued Pharmacy Technician  
23 Registration Number TCH 98455 to Indeesha Roshay Morris (Respondent). Respondent has also  
24 been known as Ideesha Morris and Indeesha Morris. The Pharmacy Technician Registration was  
25 in full force and effect at all times relevant to the charges brought herein and will expire on  
26 August 31, 2015, unless renewed.

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1 **JURISDICTION**

2 3. This Accusation is brought before the Board of Pharmacy (Board), Department of  
3 Consumer Affairs, under the authority of the following laws. All section references are to the  
4 Business and Professions Code (Code) unless otherwise indicated.

5 4. Section 4300, subdivision (a), of the Code provides that every license issued by the  
6 Board may be suspended or revoked.

7 5. Section 4300.1 of the Code states:

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

12 **STATUTORY PROVISIONS**

13 6. Section 482 of the Code states:

14 Each board under the provisions of this code shall develop criteria to  
15 evaluate the rehabilitation of a person when:

- 16 (a) Considering the denial of a license by the board under Section 480; or
- 17 (b) Considering suspension or revocation of a license under Section 490.

18 Each board shall take into account all competent evidence of rehabilitation  
19 furnished by the applicant or licensee.

20 7. Section 490 of the Code provides, in pertinent part, that a board may suspend or  
21 revoke a license on the ground that the licensee has been convicted of a crime substantially  
22 related to the qualifications, functions, or duties of the business or profession for which the  
23 license was issued.

24 8. Section 493 of the Code states:

25 Notwithstanding any other provision of law, successful completion of any  
26 diversion program under the Penal Code, or successful completion of an alcohol  
27 and drug problem assessment program under Article 5 (commencing with Section  
28 23249.50) of Chapter 12 of Division 11 of the Vehicle Code, shall not prohibit  
any agency established under Division 2 (commencing with Section 500) of this  
code, or any initiative act referred to in that division, from taking disciplinary  
action against a licensee or from denying a license for professional misconduct,  
notwithstanding that evidence of that misconduct may be recorded in a record

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

4 9. Section 4301 of the Code states:

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

8 . . . .

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

11 . . . .

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

28 . . . .

**REGULATORY PROVISIONS**

10. California Code of Regulations, title 16, section 1769, states:

. . . .

(b) When considering the suspension or revocation of a facility or a  
personal license on the ground that the licensee or the registrant has been  
convicted of a crime, the board, in evaluating the rehabilitation of such person and  
his present eligibility for a license will consider the following criteria:

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- (1) Nature and severity of the act(s) or offense(s).
- (2) Total criminal record.
- (3) The time that has elapsed since commission of the act(s) or offense(s).
- (4) Whether the licensee has complied with all terms of parole, probation, restitution or any other sanctions lawfully imposed against the licensee.
- (5) Evidence, if any, of rehabilitation submitted by the licensee.

11. 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 his license or registration in a manner consistent with the public health, safety, or welfare.

**COST RECOVERY**

12. 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 or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case, with failure of the licentiate to comply subjecting the license to not being renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be included in a stipulated settlement.

**FIRST CAUSE FOR DISCIPLINE**

**(July 31, 2013 Criminal Conviction for Commercial Burglary on July 23, 2013)**

13. Respondent has subjected her pharmacy technician registration to discipline under Code sections 490 and 4301, subdivision (l) in that she was convicted of a crime that is substantially related to the qualifications, functions, and duties of a registered pharmacy technician. The circumstances are as follows:

- a. On July 31, 2013, in a criminal proceeding entitled *The People of the State of California vs. Ideesha Morris*, in Imperial County Superior Court, Brawley Courthouse West, Criminal Division Case Number JCF-31350, Respondent was convicted on her plea of no contest

1 to violating Penal Code (PC) section 459, subdivision (b), commercial burglary, which was  
2 reduced to a misdemeanor pursuant to PC section 17, subdivision (b).

3 b. As a result of the conviction, on July 31, 2013, Respondent was sentenced  
4 to 17 days in the Imperial County Jail, with credit for 17 days served, and granted summary  
5 probation for three years. Respondent was also ordered to pay a fine and restitution.

6 c. The facts that led to the conviction are that on July 23, 2013, Respondent  
7 and her sister entered a Walmart Store in Brawley, California. Once inside the establishment, the  
8 women took a cart and filled it with multiple items removed from the health, beauty, and  
9 accessories department. The two then proceeded to the stationery department with the cart full of  
10 goods. When they left the stationery department, the two no longer had a cart but their purses  
11 were full. Respondent then went past the last point of sale, and exited through the grocery  
12 department without paying for the goods, amounting to about \$700.00. The security alarm  
13 sounded, but neither woman stopped. They got into a waiting car driven by their mother.  
14 Responding officers from the Brawley Police Department traced the getaway car to  
15 Respondent's residence. The store's loss prevention officer positively identified the two sisters in  
16 an infield line-up as the women who committed the burglary at the store.

17 **SECOND CAUSE FOR DISCIPLINE**

18 **(Unprofessional Conduct - Commission of Any Act Involving Moral Turpitude, Dishonesty,**

19 **Fraud, Deceit, or Corruption)**

20 14. Respondent has subjected her pharmacy technician registration to discipline under  
21 Code section 4301, subdivision (f), in that she committed acts involving moral turpitude,  
22 dishonesty, fraud, deceit, and corruption when she removed multiple items from a store and left  
23 without paying for the goods, as described in paragraph 13, above.

24 **DISCIPLINARY CONSIDERATIONS**

25 15. To determine the degree of discipline, if any, to be imposed on Respondent,  
26 pursuant to California Code of Regulations, title 16, section 1814, Complainant alleges that on  
27 November 3, 2011, in a prior criminal proceeding entitled *The People of the State of California*  
28 *vs. Indeesha Roshay Morris*, in San Bernardino County Superior Court, Fontana Courthouse,

1 Fontana District Criminal Division, Case Number FVA1101313, Respondent was convicted on  
2 her plea of guilty to violating PC section 459, burglary, which was reduced to a misdemeanor  
3 pursuant to PC section 17, subdivision (b). An additional misdemeanor charge for violation of  
4 PC section 484, theft of personal property, was dismissed pursuant to a plea bargain.

5 16. As a result of the conviction, on November 3, 2011, Respondent was sentenced to  
6 45 days in the San Bernardino County Jail Facility, with credit for one day served, and granted  
7 36 months probation subject to terms and conditions. Respondent was ordered to serve 80 hours  
8 in a work program and pay restitution, assessments, and fees.

9 17. On October 10, 2012, the Board issued Citation Number CI 2011 49339 against  
10 Respondent for violation of Code section 4301, subdivisions (f), commission of any act  
11 involving moral turpitude, dishonesty, fraud, deceit, or corruption, and (l), conviction of a crime  
12 that is substantially related to the qualifications, functions, and duties of a registered pharmacy  
13 technician. Respondent was fined \$100.00, which she paid.

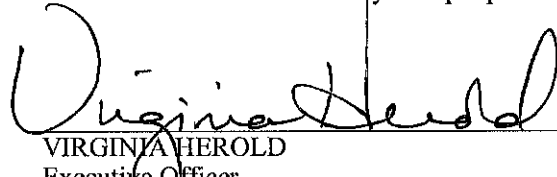
14 **PRAYER**

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

- 17 1. Revoking or suspending Pharmacy Technician Registration Number TCH 98455,  
18 issued to Indeesha Roshay Morris, also known as Ideesha Morris and Indeesha Morris;
- 19 2. Ordering Indeesha Roshay Morris to pay the Board of Pharmacy the reasonable  
20 costs of the investigation and enforcement of this case, pursuant to Business and Professions  
21 Code section 125.3; and
- 22 3. Taking such other and further action as deemed necessary and proper.

23  
24 DATED: \_\_\_\_\_

5/8/14

  
25 VIRGINIA HEROLD  
26 Executive Officer  
27 Board of Pharmacy  
28 Department of Consumer Affairs  
State of California  
Complainant

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