

1 KAMALA D. HARRIS
Attorney General of California
2 GREGORY J. SALUTE
Supervising Deputy Attorney General
3 M. Travis Peery
Deputy Attorney General
4 State Bar No. 261887
300 So. Spring Street, Suite 1702
5 Los Angeles, CA 90013
Telephone: (213) 897-0962
6 Facsimile: (213) 897-2804
Attorneys for Complainant
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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. 5125

12 **SANGEETA DEVI REDDY**
15538 Dearborn Street
13 North Hills, CA 91343

A C C U S A T I O N

14 Pharmacy Technician Registration No. TCH 81735

15 Respondent.
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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 February 15, 2008, the Board issued Pharmacy Technician Registration
23 No. TCH 81735 to Sangeeta Devi Reddy (Respondent). The Pharmacy Technician Registration
24 was in full force and effect at all times relevant to the charges brought herein and will expire on
25 January 31, 2016, 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 4. Section 4300 states (a), states that “[e]very license issued may be suspended or
2 revoked.”

3 5. Section 118, subdivision (b), provides that the suspension, expiration, surrender or
4 cancellation of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary
5 action during the period within which the license may be renewed, restored, reissued or reinstated.

6 **STATUTORY PROVISIONS**

7 6. Section 490 states, in pertinent part:

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

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

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

22 7. Section 4301 states, in pertinent part:

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

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

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

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

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1 **REGULATORY PROVISION**

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

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

9 **COST RECOVERY**

10 9. Section 125.3 provides that the Board may request the administrative law judge to
11 direct a licensee found to have committed a violation or violations of the licensing act to pay a
12 sum not to exceed the reasonable costs of the investigation and enforcement of the case.

13 **FIRST CAUSE FOR DISCIPLINE**

14 **(Conviction of a Substantially Related Crime)**

15 10. Respondent is subject to disciplinary action under sections 490 and 4301, subdivision
16 (1), in conjunction with California Code of Regulations, title 16, section 1770, on the grounds of
17 unprofessional conduct, in that Respondent was convicted of a crime substantially related to the
18 qualifications, functions, or duties of a licensee which to a substantial degree evidences her
19 present or potential unfitness to perform the functions authorized by her license in a manner
20 consistent with the public health, safety, or welfare, as follows:

21 a. On or about October 17, 2013, after pleading nolo contendere, Respondent was
22 convicted of one misdemeanor count of violating Penal Code Section 484 (a) [theft of personal
23 property] in the criminal proceeding entitled *The People of the State of California v. Sangeeta*
24 *Devi Reddy* (Super. Ct. L.A. County, 2013, No. 3SR04266). The Court sentenced Respondent to
25 one day in jail, placed her on 36 months probation, ordered her to pay \$2,119.48 in restitution,
26 and ordered her to stay away from all CVS stores.

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1 b. The circumstances underlying the conviction are that on or about August 26, 2013,
2 Respondent admitted to Los Angeles Police Department officers that, while working as a
3 Pharmacy Technician for CVS in Granada Hills, she used the Pharmacist's and her own employee
4 ID numbers to fraudulently ring up non receipted returns and take the refund money. Respondent
5 admitted to the officers that she had been engaging in this fraudulent activity for over a year.

6 **SECOND CAUSE FOR DISCIPLINE**

7 **(Acts Involving Moral Turpitude, Dishonesty, Fraud, Deceit or Corruption)**

8 11. Respondent is subject to disciplinary action under section under 4300, and 4301,
9 subdivision (f), on the grounds of unprofessional conduct, in that on or about August 26, 2013,
10 Respondent committed acts involving moral turpitude, dishonesty, fraud, deceit, or corruption.
11 Complainant refers to and by this reference incorporates the allegations set forth above in
12 paragraph 10, subparagraphs a and b, inclusive, as though set forth fully.

13 **THIRD CAUSE FOR DISCIPLINE**

14 **(Unprofessional Conduct/ Violate Pharmacy Law)**

15 12. Respondent is subject to disciplinary action under section 4301 and / or 4301,
16 subdivision (o), in that Respondent committed acts of unprofessional conduct, and / or acts
17 violating the Pharmacy Law. Complainant refers to and by this reference incorporates the
18 allegations set forth above in paragraphs 10 and 11, inclusive, as though set forth fully.

19 **PRAYER**

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

22 1. Revoking or suspending Pharmacy Technician Registration Number TCH 81735,
23 issued to Sangeeta Devi Reddy;

24 2. Ordering Sangeeta Devi Reddy to pay the Board the reasonable costs of the
25 investigation and enforcement of this case, pursuant to section 125.3; and

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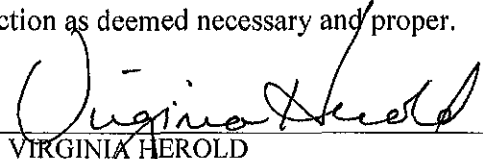
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3. Taking such other and further action as deemed necessary and proper.

DATED:

9/14/14



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

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