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BEFORE THE
BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against: **JAMIE CHRISTINA WEIND** **8925 Lawlor Street** **Oakland, CA 94605** **Pharmacy Technician Registration No. TCH 96608** **Designated Representative Certificate No. EXC 21963** Respondent.	Case No. 5398 **ACCUSATION**

Complainant alleges:

PARTIES

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

2. On or about July 16, 2010, the Board of Pharmacy issued Pharmacy Technician Registration Number TCH 96608 to Jamie Christina Weind (Respondent). The Pharmacy Technician Registration was in full force and effect at all times relevant to the charges brought herein and will expire on February 29, 2016, unless renewed.

3. On or about October 23, 2012, the Board of Pharmacy issued Designated Representative Certificate Number EXC 21963 to Respondent. The Designated Representative

Certificate was in full force and effect at all times relevant to the charges brought herein and will expire on October 1, 2015, unless renewed.

JURISDICTION

4. 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 (Code) unless otherwise indicated.

5. Section 4300 of the Code states:

"(a) Every license issued may be suspended or revoked.

"(b) The board shall discipline the holder of any license issued by the board, whose default has been entered or whose case has been heard by the board and found guilty, by any of the following methods:

"(1) Suspending judgment.

"(2) Placing him or her upon probation.

"(3) Suspending his or her right to practice for a period not exceeding one year.

"(4) Revoking his or her license.

"(5) Taking any other action in relation to disciplining him or her as the board in its discretion may deem proper.

". . . .

"(e) The proceedings under this article shall be conducted in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of the Government Code, and the board shall have all the powers granted therein. The action shall be final, except that the propriety of the action is subject to review by the superior court pursuant to Section 1094.5 of the Code of Civil Procedure."

6. Section 4300.1 of the Code provides that the expiration, cancellation, forfeiture, or suspension of a license, or the placement of a license on retired status, or the voluntary surrender of a license, shall not deprive the Board of jurisdiction to commence or proceed with a disciplinary action or to render a decision suspending or revoking a license.

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STATUTORY AND REGULATORY PROVISIONS

7. Section 4301 of the Code states:

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

". . . .

"(h) The administering to oneself, of any controlled substance, or the use of any dangerous drug or of alcoholic beverages to the extent or in a manner as to be dangerous or injurious to oneself, to a person holding a license under this chapter, or to any other person or to the public, or to the extent that the use impairs the ability of the person to conduct with safety to the public the practice authorized by the license.

". . . .

"(k) The conviction of more than one misdemeanor or any felony involving the use, consumption, or self-administration of any dangerous drug or alcoholic beverage, or any combination of those substances.

"(l) The conviction of a crime substantially related to the qualifications, functions, and duties of a licensee under this chapter. The record of conviction of a violation of Chapter 13 (commencing with Section 801) of Title 21 of the United States Code regulating controlled substances or of a violation of the statutes of this state regulating controlled substances or dangerous drugs shall be conclusive evidence of unprofessional conduct. In all other cases, the record of conviction shall be conclusive evidence only of the fact that the conviction occurred. The board may inquire into the circumstances surrounding the commission of the crime, in order to fix the degree of discipline or, in the case of a conviction not involving controlled substances or dangerous drugs, to determine if the conviction 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 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 judgment of conviction has been affirmed on appeal or when an order granting probation is made

suspending the imposition of sentence, irrespective of a subsequent order under Section 1203.4 of the Penal Code allowing the person to withdraw his or her plea of guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or dismissing the accusation, information, or indictment.

. . . ."

8. California Code of Regulations, title 16, section 1770, states in pertinent part:

"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."

9. Section 490, subdivision (a), of the Code states:

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

COSTS

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 or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

DRUGS

11. Benzodiazepines are psychoactive drugs with anxiolytic, sedative, and muscle-relaxing properties, are controlled substances pursuant to Code section 4021 and Health and Safety Code section 11057(d), and are dangerous drugs pursuant to Code section 4022.

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FIRST CAUSE FOR DISCIPLINE

(Substantially-Related Conviction)

12. Respondent is subject to disciplinary action under Code sections 490, subdivision (a), and 4301, subdivision (l), in that Respondent was convicted of an offense substantially related to the qualifications, functions, or duties of a licensee.

13. On or about September 5, 2014, in the Superior Court of California for the County of Alameda, in the case entitled *The People of the State of California v. Weind, Jamie Christina*, Case No. 149127, Respondent pled no contest to and was convicted of violating California Vehicle Code section 23152, subdivision (e) (driving under the influence of a drug), a misdemeanor, with one prior offense. Respondent's prior conviction, on August 11, 2009, was a misdemeanor conviction under Vehicle Code section 23152, subdivision (b) (driving with greater than .08% blood alcohol content).

14. The circumstances of the September 5, 2014 conviction were that on or about June 11, 2014, Respondent was driving on I-580 with her 3-year old in the car when she struck another vehicle from behind. The collision, which occurred at a high rate of speed, caused the other car to spin out and collide with the jersey wall. Respondent fled the scene. When police stopped Respondent several miles away, Respondent displayed objective signs of intoxication. A blood test given to Respondent was positive for benzodiazepines.

SECOND CAUSE FOR DISCIPLINE

(Second Drug or Alcohol Related Conviction)

15. Respondent is subject to disciplinary action under Code section 4301, subdivision (k), in that Respondent was convicted of more than one misdemeanor or any felony involving the use, consumption, or self-administration of alcoholic beverages, a dangerous drug, or a combination thereof. The circumstances are described above in the First Cause for Discipline.

THIRD CAUSE FOR DISCIPLINE

(Dangerous Use of Dangerous Drug)

16. Respondent is subject to disciplinary action under Code section 4301, subdivision (h), in that Respondent used alcohol or a dangerous drug to the extent or in a manner dangerous to

herself, to another person, or to the public. The circumstances are described above in the First Cause for Discipline.

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 96608, issued to Jamie Christina Weind;

2. Revoking or suspending Designated Representative Certificate Number EXC 21963, issued to Jamie Christina Weind;

3. Ordering Jamie Christina Weind 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;

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

DATED: 5/9/15

Virginia Herold

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

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