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

11 In the Matter of the Accusation Against:

Case No. 5448

12 **TAMEKA M. JANEWAY**
13 **a.k.a. Tameka Marie Janeway**
14 **2501 East Cliff Drive**
15 **Santa Cruz, California 95062**

A C C U S A T I O N

16 **Pharmacy Technician License No. TCH 34800,**
Respondent.

17 Complainant Virginia Herold alleges:

18 **I. PARTIES**

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

21 2. On or about October 3, 2000, the Board of Pharmacy issued Pharmacy Technician
22 License No. TCH 34800 to respondent Tameka M. Janeway, a.k.a. Tameka Marie Janeway. This
23 pharmacy technician license was in full force and effect at all times relevant to the charges
24 brought in this accusation and will expire on May 31, 2016, unless renewed.

25 **II. JURISDICTION**

26 3. This accusation is brought before the Board under the authority of the following
27 laws. All section references are to the Business and Professions Code unless otherwise indicated.
28

1 4. Section 4300 states in part:

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

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

6 “(1) Suspending judgment.

7 “(2) Placing him or her upon probation.

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

9 “(4) Revoking his or her license.

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

12 5. Section 4300.1 states:

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

18 **III. STATUTORY AND REGULATORY AUTHORITY**

19 6. Section 490, subdivision (a), states:

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

24 7. Section 4301 states in part:

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

1 ...

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

7 ...

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

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

26 “For the purpose of denial, suspension, or revocation of a personal or facility license
27 pursuant to Division 1.5 (commencing with Section 475) of the Business and Professions Code, a
28 crime or act shall be considered substantially related to the qualifications, functions or duties of a

1 licensee or registrant if to a substantial degree it evidences present or potential unfitness of a
2 licensee or registrant to perform the functions authorized by his license or registration in a manner
3 consistent with the public health, safety, or welfare.”

4 IV. COST RECOVERY

5 9. Section 125.3, subdivision (a), states:

6 “Except as otherwise provided by law, in any order issued in resolution of a disciplinary
7 proceeding before any board within the department or before the Osteopathic Medical Board,
8 upon request of the entity bringing the proceedings, the administrative law judge may direct a
9 licentiate found to have committed a violation or violations of the licensing act to pay a sum not
10 to exceed the reasonable costs of the investigation and enforcement of the case.”

11 V. FACTUAL BACKGROUND

12 10. On November 4, 2014, at about 8:25 p.m., a highway patrol officer responded to a
13 report of a person was shining a flashlight at passing motorists from a vehicle parked on the side
14 of the interstate in Ontario, California. Respondent was laying across the seats in the vehicle.
15 She said she had run out of gas; she also admitted to drinking nearly a bottle of wine in about an
16 hour. Her blood alcohol concentrations were measured at 0.27 at 9:55 p.m. and 0.29 at 9:57 p.m.

17 11. On or about February 10, 2015, in *People of the State of California v. Tameka*
18 *Marie Janeway*, San Bernardino County Superior Court Case No. TWV1403332, respondent pled
19 no contest to driving under the influence with greater than 0.08 percent alcohol (Veh. Code,
20 § 23152, subd. (b)), a misdemeanor. Respondent was placed on three years’ probation, and
21 ordered to attend a nine-month driving under the influence program and serve 10 days’
22 incarceration.

23 VI. CAUSES FOR DISCIPLINE

24 First Cause for Discipline Conviction

25 Business and Professions Code section 490, subdivision (a)

26 12. The allegations of paragraphs 10 and 11 are realleged and incorporated by
27 reference as if fully set forth.

28 13. Respondent has subjected her pharmacy technician license to discipline for being

1 convicted of a crime substantially related to the qualifications, functions, or duties of a pharmacy
2 technician (Bus. & Prof. Code, § 490, subd. (a)). Respondent pled no contest to driving under the
3 influence with greater than 0.08 percent alcohol (Veh. Code, § 23152, subd. (b)), a misdemeanor.

4 **Second Cause for Discipline**
5 **Unprofessional Conduct: Conviction**
6 **Business and Professions Code section 4301, subdivision (l)**

7 14. The allegations of paragraphs 10 and 11 are realleged and incorporated by
8 reference as if fully set forth.

9 15. Respondent has subjected her pharmacy technician license to discipline for the
10 unprofessional conduct of being convicted of a crime substantially related to the qualifications,
11 functions, or duties of a pharmacy technician (Bus. & Prof. Code, § 4301, subd. (l)). Respondent
12 pled no contest to driving under the influence with greater than 0.08 percent alcohol (Veh. Code,
13 § 23152, subd. (b)), a misdemeanor.

14 **Third Cause for Discipline**
15 **Unprofessional Conduct: Self-administration of Alcoholic Beverages**
16 **Causing Danger, Injury, or Unsafe Practice**
17 **Business and Professions Code section 4301, subdivision (h)**

18 16. The allegations of paragraphs 10-11 are realleged and incorporated by reference as
19 if fully set forth.

20 17. Respondent has subjected her pharmacy technician license to discipline for the
21 unprofessional conduct of using alcoholic beverages to the extent or in a manner as to be
22 dangerous or injurious to herself, to any other person or to the public, or to the extent that the use
23 impaired her ability to conduct with safety to the public the practice of a pharmacy technician
24 (Bus. & Prof. Code, § 4301, subd. (h)). Respondent operated a vehicle with a blood alcohol
25 content of greater than 0.08 percent and pled no contest to driving under the influence with greater
26 than 0.08 percent alcohol (Veh. Code, § 23152, subd. (b)), a misdemeanor.

27 **VII. PRAYER**

28 WHEREFORE, complainant requests that a hearing be held on the matters alleged in this
accusation, and that following the hearing, the Board of Pharmacy issues a decision:

1. Revoking or suspending Pharmacy Technician License No. TCH 34800 issued to

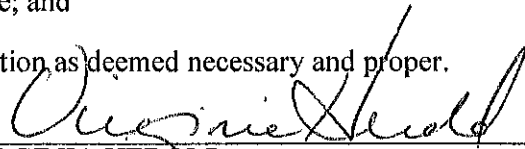
1 respondent Tameka M. Janeway, a.k.a. Tameka Marie Janeway;

2 2. Ordering respondent Tameka M. Janeway, a.k.a. Tameka Marie Janeway, under
3 Business and Professions Code section 125.3 to pay the Board of Pharmacy the reasonable costs
4 of the investigation and enforcement of this case; and

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

6 DATED: _____

10/6/15



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

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