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

12 In the Matter of the Accusation Against:

Case No. 5496

13 **REENALYNNE TAN BERNARDO**
701 Redwood Street
Oxnard, CA 93033

A C C U S A T I O N

14 Pharmacy Technician Registration
15 No. TCH 106755

16 Respondent.

17
18 Complainant alleges:

19 **PARTIES**

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

22 2. On or about February 16, 2011, the Board issued Pharmacy Technician Registration
23 No. TCH 106755 to Reenalynne Tan Bernardo (Respondent). The Pharmacy Technician
24 Registration was in full force and effect at all times relevant to the charges brought herein and will
25 expire on February 28, 2017, unless renewed.

26 **JURISDICTION**

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

1 dangerous drugs, to determine if the conviction is of an offense substantially related to the
2 qualifications, functions, and duties of a licensee under this chapter. A plea or verdict of guilty or
3 a conviction following a plea of nolo contendere is deemed to be a conviction within the meaning
4 of this provision. The board may take action when the time for appeal has elapsed, or the
5 judgment of conviction has been affirmed on appeal or when an order granting probation is made
6 suspending the imposition of sentence, irrespective of a subsequent order under Section 1203.4 of
7 the Penal Code allowing the person to withdraw his or her plea of guilty and to enter a plea of not
8 guilty, or setting aside the verdict of guilty, or dismissing the accusation, information, or
9 indictment."

10 7. California Code of Regulations, title 16, section 1770, states:

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

17 **COST RECOVERY**

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

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1 CAUSE FOR DISCIPLINE

2 (Conviction of a Substantially Related Crime)

3 9. Respondent is subject to disciplinary action under sections 4301, subdivision (1), in
4 conjunction with, California Code of Regulations, title 16, section 1770, in that the Respondent
5 was convicted of a crime substantially related to the qualifications, functions, and duties of a
6 pharmacy technician, as follows:

7 a. On or about December 23, 2014, after pleading nolo contendere, Respondent was
8 convicted of one misdemeanor count of violating Penal Code section 602, subdivision (k)
9 [trespassing: injure property] in the criminal proceeding entitled *The People of the State of*
10 *California v. Reenalyne Bernardo* (Super. Ct. Los Angeles County, 2014, No. 4PY04599). The
11 Court placed Respondent on 36 months probation, with terms and conditions. The circumstances
12 surrounding the conviction are that on or about August 11, 2014, officers received a report of
13 domestic violence at Respondent's residence. Respondent's husband told officers they had been
14 arguing earlier that morning, that Respondent took his phone and threw it on the kitchen floor
15 shattering it into multiple pieces, and that Respondent punched her husband several times with her
16 fists on the right side of his head. Upon examination by officers, the victim was found to have
17 multiple scratches on his neck and complained of pain and contusions on his head.

18 b. On or about June 5, 2012, after pleading guilty, Respondent was convicted of one
19 misdemeanor count of violating Penal code section 243, subdivision (e)(1) [battery on spouse or
20 cohabitant] in the criminal proceeding entitled *The People of the State of California v. Reenalyne*
21 *Tan Bernardo* (Super. Ct. Ventura County, 2012, No. 2012012175). The Court sentenced
22 Respondent to serve 3 days in jail, ordered her to attend 52 weekly sessions of domestic violence
23 counseling, and placed her on 36 months probation, with terms and conditions. The circumstances
24 surrounding the conviction are that on or about April 3, 2012, Respondent and her boyfriend were
25 involved in physical altercation. Respondent admitted to kicking her boyfriend in front of their
26 daughter as well as biting his arm.

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1 **DISCIPLINE CONSIDERATIONS**

2 10. To determine the degree of discipline, if any, to be imposed on Respondent,
3 Complainant alleges as follows:

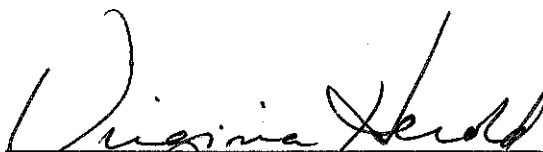
4 a. On or about December 29, 2008, after pleading nolo contendere, Respondent was
5 convicted of one misdemeanor count of violating Health and Safety Code section 11357,
6 subdivision (b) [possession of marijuana 28.5 grams or less] in the criminal proceeding entitled *The*
7 *People of the State of California v. Reenalyne Tan Bernardo* (Super. Ct. Ventura County, 2008,
8 No. 2008049619). The Court ordered Respondent to pay a fine. On or about January 12, 2010,
9 the Court dismissed the matter pursuant to Penal Code section 1203.4.

10 **PRAYER**

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

- 13 1. Revoking or suspending Pharmacy Technician Registration No. TCH 106755, issued
14 to Reenalyne Tan Bernardo;
- 15 2. Ordering Reenalyne Tan Bernardo to pay the Board the reasonable costs of the
16 investigation and enforcement of this case, pursuant to section 125.3; and
- 17 3. Taking such other and further action as deemed necessary and proper.

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20 DATED: 9/9/15


21 VIRGINIA HEROLD
22 Executive Officer
23 Board of Pharmacy
24 Department of Consumer Affairs
25 State of California
26 Complainant

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