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1 2 3 4 5 6 7 8 9 10	KAMALA D. HARRIS Attorney General of California LINDA K. SCHNEIDER Senior Assistant Attorney General THOMAS L. RINALDI Supervising Deputy Attorney General State Bar No. 206911 300 So. Spring Street, Suite 1702 Los Angeles, CA 90013 Telephone: (213) 897-2541 Facsimile: (213) 897-2541 Facsimile: (213) 897-2804 Attorneys for Complainant BEFORE THE BOARD OF PHARMACY DEPARTMENT OF CONSUMER AFFAIRS STATE OF CALIFORNIA		
11	In the Matter of the Accusation Against:	Case No. 5586	
12	DENIECE RENEE TOLLIVER	ACCUSATION	
13	aka DENIECE TOLLIVER-SHORTER 723 W. 159th Street	· · · · · · · · · · · · · · · · · · ·	
14	Gardena, CA 90247		
15	Pharmacy Technician Registration No. TCH 115427		
16	Respondent.		
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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 September 2, 2011, the	Board issued Pharmacy Technician Registration	
23	No. TCH 115427 to Deniece Renee Tolliver aka	Deniece Tolliver-Shorter (Respondent). The	
24	Pharmacy Technician Registration was in full for	ce and effect at all times relevant to the charges	
25	brought herein and will expire on August 31, 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.		
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	(DENIECE RENEE TOLLIVE	RAKA DENIECE TOLLIVER-SHORTER) ACCUSATION	

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1	4. Section 4300 provides in pertinent part, that every license issued by the Boards is		
2	subject to discipline, including suspension or revocation.		
3	5. Section 4300.1 states:		
4	"The expiration, cancellation, forfeiture, or suspension of a board-issued license by operation		
5	of law or by order or decision of the board or a court of law, the placement of a license on a		
6	retired status, or the voluntary surrender of a license by a licensee shall not deprive the board of		
7	jurisdiction to commence or proceed with any investigation of, or action or disciplinary proceeding		
8	against, the licensee or to render a decision suspending or revoking the license."		
9	STATUTORY PROVISIONS		
10	6. Section 4301 states, in pertinent part:		
11	"The board shall take action against any holder of a license who is guilty of unprofessional		
12	conduct or whose license has been procured by fraud or misrepresentation or issued by mistake.		
13	Unprofessional conduct shall include, but is not limited to, any of the following:		
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15	"(f) The commission of any act involving moral turpitude, dishonesty, fraud, deceit, or		
16	corruption, whether the act is committed in the course of relations as a licensee or otherwise, and		
17	whether the act is a felony or misdemeanor or not.		
18			
19	"(1) The conviction of a crime substantially related to the qualifications, functions, and		
20	duties of a licensee under this chapter. The record of conviction of a violation of Chapter 13		
21	(commencing with Section 801) of Title 21 of the United States Code regulating controlled		
22	substances or of a violation of the statutes of this state regulating controlled substances or		
23	dangerous drugs shall be conclusive evidence of unprofessional conduct. In all other cases, the		
24	record of conviction shall be conclusive evidence only of the fact that the conviction occurred.		
25	The board may inquire into the circumstances surrounding the commission of the crime, in order to		
26	fix the degree of discipline or, in the case of a conviction not involving controlled substances or		
27	dangerous drugs, to determine if the conviction is of an offense substantially related to the		
28	qualifications, functions, and duties of a licensee under this chapter. A plea or verdict of guilty or		
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	(DENIECE RENEE TOLLIVER AKA DENIECE TOLLIVER-SHORTER) ACCUSATION		

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a conviction following a plea of nolo contendere is deemed to be a conviction within the meaning 1 of this provision. The board may take action when the time for appeal has elapsed, or the 2 judgment of conviction has been affirmed on appeal or when an order granting probation is made 3 suspending the imposition of sentence, irrespective of a subsequent order under Section 1203.4 of 4 the Penal Code allowing the person to withdraw his or her plea of guilty and to enter a plea of not 5 guilty, or setting aside the verdict of guilty, or dismissing the accusation, information, or 6 indictment." 7 **REGULATORY PROVISIONS** 8 7. California Code of Regulations, title 16, section 1770, states: 9 "For the purpose of denial, suspension, or revocation of a personal or facility license 10 pursuant to Division 1.5 (commencing with Section 475) of the Business and Professions Code, a 11 crime or act shall be considered substantially related to the qualifications, functions or duties of a 12 licensee or registrant if to a substantial degree it evidences present or potential unfitness of a 13 licensee or registrant to perform the functions authorized by his license or registration in a manner 14 consistent with the public health, safety, or welfare." 15 FIRST CAUSE FOR DISCIPLINE 16 (Conviction of a Substantially Related Crime) 17 8. Respondent is subject to disciplinary action under section 4301, subdivision (1), in 18 conjunction with California Code of Regulations, title 16, section 1770, in that, Respondent was 19 convicted of a crime substantially related to the qualifications, functions or duties of a pharmacy 20 technician as follows: 21On or about March 5, 2015, after pleading nolo contendere, Respondent was a. 22 convicted of one misdemeanor count of violating Penal Code section 487, subdivision (a) [grand 23 theft by embezzlement] in the criminal proceeding entitled *The People of the State of California v.* 24 Deniece Tolliver Shorte (Super. Ct. L.A. County, 2015, No. SA089739). The Court sentenced 25 26 Respondent to serve 14 days in jail, ordered her to pay restitution, and placed her on 3 years probation, with terms and conditions. 27 111 28

1	b. The circumstances surrounding the conviction are that on or about February 4, 2015,		
2	while working at a CVS Pharmacy in Hawthorne, CA, Respondent was detained by loss		
3	prevention personnel when a discrepancy with the balance in the cash drawer was discovered.		
4	During an interview by Hawthorn Police officers, Respondent admitted to loading money to Visa		
5	gift cards or American Express gift cards from false lottery winnings. The estimated loss to her		
6	employer as a result of her fraudulent transactions was \$10,000.00.		
7	SECOND CAUSE FOR DISCIPLINE		
8	(Acts Involving Dishonesty, Fraud, Deceit, or Corruption)		
9	9. Respondent is subject to disciplinary action under section 4301, subdivision (f), in that		
10	Respondent committed acts involving dishonesty, fraud, deceit, or corruption with the intent to		
11	substantially benefit herself, or substantially injure another. Complainant refers to, and by		
12	reference incorporates, the allegations set forth above in paragraph 8, as though set forth fully.		
13	PRAYER		
14	WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,		
15	and that following the hearing, the Board issue a decision:		
16	1. Revoking or suspending Pharmacy Technician Registration No. TCH 115427, issued		
17	to Deniece Renee Tolliver aka Deniece Tolliver-Shorter;		
18	2. Ordering Deniece Renee Tolliver to pay the Board the reasonable costs of the		
19	investigation and enforcement of this case, pursuant to section 125.3; and		
20	3. Taking such other and further action as deemed necessary and proper.		
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23	DATED: 12/21/15 Jugine Herdd		
24	Executive Officer Board of Pharmacy		
25	Department of Consumer Affairs State of California		
26	Complainant		
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	(DENIECE RENEE TOLLIVER AKA DENIECE TOLLIVER-SHORTER) ACCUSATION		