

1 KAMALA D. HARRIS
Attorney General of California
2 JOSHUA A. ROOM
Supervising Deputy Attorney General
3 ROSAILDA PEREZ
Deputy Attorney General
4 State Bar No.284646
455 Golden Gate Avenue, Suite 11000
5 San Francisco, CA 94102-7004
Telephone: (415) 703-1618
6 Facsimile: (415) 703-5480
Attorneys for Complainant
7

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

10 In the Matter of the Accusation Against:

Case No. 5631

11 **SHEREE LYN REED**
12 **3972 Ainsworth Ave.**
13 **San Diego, CA 92111**

A C C U S A T I O N

14 **Pharmacist License No. RPH 68143**

15 Respondent.

16 Complainant alleges:

17 **PARTIES**

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

20 2. On or about October 2, 2012, the Board of Pharmacy issued Pharmacist License
21 Number RPH 68143 to Sheree Lyn Reed (Respondent). The Pharmacist License was in full force
22 and effect at all times relevant to the charges brought herein and will expire on January 31, 2018,
23 unless renewed.

24 **JURISDICTION**

25 3. This Accusation is brought before the Board of Pharmacy (Board), Department of
26 Consumer Affairs, under the authority of the following laws. All section references are to the
27 Business and Professions Code unless otherwise indicated.

28 4. Section **4011** of the Code provides that the Board shall administer and enforce both

1 the Pharmacy Law [Bus. & Prof. Code, § 4000 et seq.] and the Uniform Controlled Substances
2 Act [Health & Safety Code, § 11000 et seq.].

3 5. Section **4300** of the Code provides that every license issued by the Board may be
4 suspended or revoked.

5 6. Section **4300.1** of the Code states:

6 "The expiration, cancellation, forfeiture, or suspension of a board-issued license by
7 operation of law or by order or decision of the board or a court of law, the placement of a license
8 on a retired status, or the voluntary surrender of a license by a licensee shall not deprive the board
9 of jurisdiction to commence or proceed with any investigation of, or action or disciplinary
10 proceeding against, the licensee or to render a decision suspending or revoking the license."

11 **STATUTORY AND REGULATORY PROVISIONS**

12 7. Section **4301** of the Code provides, in pertinent part, that the Board shall take action
13 against any holder of a license who is guilty of "unprofessional conduct," defined to include, but
14 not be limited to, any of the following:

15 . . .

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

21 . . .

22 (l) The conviction of a crime substantially related to the qualifications, functions, and duties
23 of a licensee under this chapter. The record of conviction of a violation of Chapter 13
24 (commencing with Section 801) of Title 21 of the United States Code regulating controlled
25 substances or of a violation of the statutes of this state regulating controlled substances or
26 dangerous drugs shall be conclusive evidence of unprofessional conduct. In all other cases, the
27 record of conviction shall be conclusive evidence only of the fact that the conviction occurred.
28 The board may inquire into the circumstances surrounding the commission of the crime, in order

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

11 . . .

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

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

19 **COST RECOVERY**

20 9. Section **125.3** of the Code provides, in pertinent part, that a Board may request the
21 administrative law judge to direct a licentiate found to have committed a violation or violations of
22 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
23 enforcement of the case.

24 **FIRST CAUSE FOR DISCIPLINE**

25 (Criminal Conviction)

26 10. Respondent is subject to disciplinary action under Code section 4301, subsection
27 (l), in that she has been convicted of a crime substantially related to the qualifications, functions,
28 and duties of a licensee. The circumstances are as follows:

1 11. On or about August 27, 2015, in Sonoma Superior Court case number SCR-
2 669164, Respondent was convicted of having violated California Vehicle Code section 23152(b)
3 (driving with blood alcohol level of 0.08% or greater). The conviction was based on an incident
4 which occurred on or about January 11, 2015, during which Respondent drove a vehicle, and was
5 involved in an accident, when her blood alcohol level was .20%.

6 **SECOND CAUSE FOR DISCIPLINE**

7 (Dangerous Use of Alcohol)

8 12. Respondent is subject to disciplinary action under Code section 4301, subsection (h),
9 in that she administered to herself, or used, alcoholic beverages to the extent or in a manner as to
10 be dangerous or injurious to herself, to a person holding a license under this chapter, or to any
11 other person or to the public, and/or to the extent that the use impaired the her ability to conduct
12 with safety to the public the practice authorized by her license, as set forth above in paragraph 11.

13 **PRAYER**

14 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
15 and that following the hearing, the Board of Pharmacy issue a decision:

- 16 1. Revoking or suspending Pharmacist License Number RPH 68143, issued to Sheree
17 Lyn Reed;
- 18 2. Ordering Sheree Lyn Reed to pay the Board of Pharmacy the reasonable costs of the
19 investigation and enforcement of this case, pursuant to Business and Professions Code section
20 125.3;
- 21 3. Taking such other and further action as deemed necessary and proper.

22
23 DATED: _____

6/10/16

Virginia Herold

24 VIRGINIA HEROLD
25 Executive Officer
26 Board of Pharmacy
27 Department of Consumer Affairs
28 State of California
Complainant