

1 KAMALA D. HARRIS
Attorney General of California
2 LINDA K. SCHNEIDER
Senior Assistant Attorney General
3 ARMANDO ZAMBRANO
Supervising Deputy Attorney General
4 State Bar No. 225325
300 So. Spring Street, Suite 1702
5 Los Angeles, CA 90013
Telephone: (213) 897-2542
6 Facsimile: (213) 897-2804
Attorneys for Complainant
7

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. 5689

12 **JEREMY RAY HALL**
13 **16818 Downey Ave., #52**
14 **Paramount, CA 90723**

A C C U S A T I O N

14 **Pharmacy Technician Registration**
15 **No. TCH 141767**

16 Respondent.

17 Complainant alleges:

18 **PARTIES**

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

22 2. On August 15, 2014, the Board issued Pharmacy Technician Registration Number
23 TCH 141767 to Jeremy Ray Hall (Respondent). The Pharmacy Technician Registration expired
24 on February 29, 2016, and has not been renewed.

25 **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 (Code) unless otherwise
28 indicated.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

9. 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:

...

(f) The commission of any act involving moral turpitude, dishonesty, fraud, deceit, or corruption, whether the act is committed in the course of relations as a licensee or otherwise, and whether the act is a felony or misdemeanor or not.

(g) Knowingly making or signing any certificate or other document that falsely represents the existence or nonexistence of a state of facts.

...

(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.

....

REGULATORY PROVISIONS

10. California Code of Regulations, title 16, section 1769, states, in pertinent part:

...

(b) When considering the suspension or revocation of a facility or a personal license on the ground that the licensee or the registrant has been convicted of a crime, the board, in evaluating the rehabilitation of such person and his present eligibility for a license will consider the following criteria:

///

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

- (1) Nature and severity of the act(s) or offense(s).
- (2) Total criminal record.
- (3) The time that has elapsed since commission of the act(s) or offense(s).
- (4) Whether the licensee has complied with all terms of parole, probation, restitution or any other sanctions lawfully imposed against the licensee.
- (5) Evidence, if any, of rehabilitation submitted by the licensee.

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

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.

COST RECOVERY

12. Code section 125.3 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, with failure of the licentiate to comply subjecting the license to not being renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be included in a stipulated settlement.

FIRST CAUSE FOR DISCIPLINE

(July 21, 2015 Conviction for Grand Theft from March 1, 2012 to August 31, 2012)

13. Respondent is subject to discipline under Code sections 490 and 4301, subdivision (l) in that Respondent was convicted of a crime that is substantially related to the qualifications, functions, and duties of a registered pharmacy technician. The circumstances are as follows:

a. On July 21, 2015, in a criminal proceeding entitled *The People of the State of California vs. Jeremy Ray Hall*, in Orange County Superior Court, North Justice Center, Criminal Division Case Number 15NF1675, Respondent was convicted on his plea of guilty of violating Penal Code (PC) section 487, subdivision (a), grand theft, a felony. Respondent

1 admitted and the court found true the allegation that in the commission of grand theft, Respondent
2 intentionally took, damaged, and destroyed property of a value exceeding \$65,000.00, a
3 sentencing enhancement under PC section 12022.6, subdivision (a)(1).

4 b. As a result of the conviction, on August 10, 2015, Respondent was
5 sentenced to 210 days in the Orange County Jail, with credit for 49 days actually served and 49
6 days for good behavior, and granted five years formal probation under certain terms and
7 conditions. Respondent was ordered to pay fines, assessments, fees, and restitution, with credit
8 for the equivalent amount of one day actually served. Respondent was also ordered to provide a
9 biological sample under PC sections 296 and 296.1.

10 c. The facts that led to the conviction are that on and between January 1,
11 2012 and August 31, 2012, while employed by Prime Healthcare Services, Inc. (PHSI) and
12 assigned as a cashier with West Anaheim Medical Center (WAMC), Huntington Beach Hospital
13 (HBH), and La Palma Intercommunity Hospital (LPIH), all in Orange County, California,
14 \$72,776.32 was discovered missing from Respondent's cash receipts from the cafeterias of HBH
15 and LPIH. The circumstances are that on August 20, 2012, the regional controller of PHSI noted
16 that receipts from the cafeterias of both HBH and LPIH were significantly diminished compared
17 to prior years, starting March 2012 to August 2012. The regional controller examined the journal
18 entries prepared by Respondent and compared them to the carbon copies retained by the
19 accounting offices of HBH and LPIH. The regional controller discovered that some of the
20 journal entries reviewed and entered into the summary cash reconciliation by Respondent had
21 been altered with correction fluid. The alterations were made to deposit entries, reducing the
22 original amount. The alterations consistently showed up in the journal pages that were processed
23 by Respondent, month after month, from March to August 2012. Only Respondent had a key to
24 the cash deposit bags that also contained the original deposit tickets indicating the cash amount.
25 Only Respondent prepared the summary cash reconciliation reports for the deposit bags which
26 was corroborated by computer records. It was against company standards and practice to alter
27 journals with correction fluid, and Respondent was obligated to report any such alterations to the
28 regional controller. Respondent never made any such report. It was determined that during the

1 months of March to August 2012, deposits totaling \$37,198.24 had been stolen from HBH and
2 \$35,578.08 had been stolen from LPIH. When confronted by the regional controller, Respondent
3 did not deny that he had stolen the money. Computer logs were examined and confirmed that
4 Respondent was the user during all incidents of the theft.

5 **SECOND CAUSE FOR DISCIPLINE**

6 **(Unprofessional Conduct - Commission of Any Act Involving Moral Turpitude, Dishonesty,
7 Fraud, Deceit, or Corruption)**

8 14. Respondent is subject to discipline under Code section 4301, subdivision (f), in
9 that he committed acts involving moral turpitude, dishonesty, fraud, deceit, and corruption when
10 she stole \$72,776.32 from his employer, Prime Healthcare Services, Inc., as described in
11 paragraph 13, above, and incorporated herein by this reference.

12 **THIRD CAUSE FOR DISCIPLINE**

13 **(Unprofessional Conduct - Making Any Document that Falsely Represented the Existence
14 of a State of Facts)**

15 15. Respondent is subject to discipline under Code section 4301, subdivision (g), in
16 that he committed acts involving making of documents that falsely represented the existence of a
17 state of facts when he altered journal entries, that originally indicated the amount of money in a
18 cash bag, with correction fluid. Respondent would then steal some money and indicate only the
19 amount of money left in the summary cash reconciliation record, as described in paragraph 13,
20 above, and incorporated herein by this reference.

21 **PRAYER**

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

24 1. Revoking or suspending Pharmacy Technician Registration Number TCH
25 141767, issued to Jeremy Ray Hall;

26 ///

27 ///

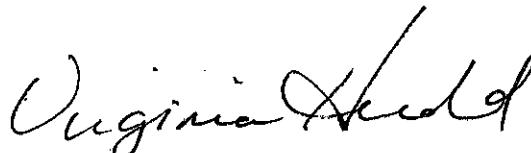
28 ///

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

2. Ordering Jeremy Ray Hall 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; and

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

DATED: 4/4/16



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

LA2015604446
81302975.doc