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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. 5752

12 **TRINIDAD TOVAR VEGA**
13 **435 S. 4th Street**
Chowchilla, CA 91910

ACCUSATION

14 **Pharmacy Technician Registration No.**
15 **120956**

16 Respondent.

17 Virginia Herold ("Complainant") alleges:

18 **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 May 18, 2012, the Board issued Pharmacy Technician Registration
22 Number 120956 to Trinidad Tovar Vega ("Respondent"). The registration was in full force and
23 effect at all times relevant to the charges brought herein and will expire on July 31, 2017, unless
24 renewed.

25 **JURISDICTION**

26 3. Business and Professions Code ("Code") section 4300 provides, in pertinent part, that
27 every license issued by the Board is subject to discipline, including suspension or revocation.

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4. Code section 4300.1 states:

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

STATUTORY PROVISIONS

5. Code section 4301 states, in pertinent part:

The board shall take action against any holder of a license who is guilty of unprofessional conduct or whose license has been 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.

(l) The conviction of a crime substantially related to the qualifications, functions, and duties of a licensee under this chapter. . .

COST RECOVERY

6. 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.

FIRST CAUSE FOR DISCIPLINE

(Conviction of a Crime)

7. Respondent is subject to discipline pursuant to Code section 4301(l), on the grounds of unprofessional conduct, in that on or about March 15, 2016, in the case of *People v. Trinidad T. Vega, et al*, (Super. Ct. Madera County, 2015, Case No. MCR048821B,C), Respondent was convicted by the Court on her plea of guilty of violating Penal Code section 245(a)(4) (assault by means of force likely to produce great bodily injury), a misdemeanor.

The circumstances of the crime were that on or about April 19, 2014, Respondent did willfully and unlawfully commit an assault upon D.B. by means of force likely to product great bodily injury. Respondent used force upon the person of D.B. causing physical injuries to him.

1 SECOND CAUSE FOR DISCIPLINE

2 (Unprofessional Conduct)

3 8. Respondent is subject to discipline pursuant to Code section 4301(f), on the grounds
4 of unprofessional conduct, in that Respondent committed act(s) involving moral turpitude,
5 dishonesty, fraud, deceit, or corruption, whether the act is committed in the course of relations as
6 a licensee or otherwise, and whether the act is a felony or misdemeanor or not, as alleged in
7 paragraph 7.

8 PRAYER

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

- 11 1. Revoking or suspending Pharmacy Technician Registration Number TCH 120956,
12 issued to Trinidad Tovar Vega;
- 13 2. Ordering Trinidad Tovar Vega to pay the Board of Pharmacy the reasonable costs of
14 the investigation and enforcement of this case, pursuant to Business and Professions Code section
15 125.3; and,
- 16 3. Taking such other and further action as deemed necessary and proper.

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18 DATED: 3/1/17



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

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