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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:  
12 **VINNESSA A. ROBERTS**  
13 **230 Fairgrounds Drive**  
**Sacramento, CA 95817**  
14 **Pharmacy Technician Registration No. TCH**  
15 **122058**  
16 Respondent.

Case No. 5821

**A C C U S A T I O N**

17 Complainant alleges:

18 **PARTIES**

- 19 1. Virginia Herold ("Complainant") brings this Accusation solely in her official capacity  
20 as the Executive Officer of the Board of Pharmacy ("Board"), Department of Consumer Affairs.  
21 2. On or about March 14, 2013, the Board issued Pharmacy Technician Registration  
22 Number TCH 122058 to Vinnessa A. Roberts ("Respondent"). The pharmacy technician  
23 registration was in full force and effect at all times relevant to the charges brought herein and will  
24 expire on October 31, 2016, unless renewed.

25 **JURISDICTION/STATUTORY PROVISIONS**

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.

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4. Code section 4300 states, in pertinent part:

(a) Every license issued may be suspended or revoked.

(b) The board shall discipline the holder of any license issued by the board, whose default has been entered or whose case has been heard by the board and found guilty, by any of the following methods:

(1) Suspending judgment.

(2) Placing him or her upon probation.

(3) Suspending his or her right to practice for a period not exceeding one year.

(4) Revoking his or her license.

(5) Taking any other action in relation to disciplining him or her as the board in its discretion may deem proper . . .

5. 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.

6. 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 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.

....

(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

1 substantially related to the qualifications, functions, and duties of a licensee under this  
2 chapter. A plea or verdict of guilty or a conviction following a plea of nolo  
3 contendere is deemed to be a conviction within the meaning of this provision. The  
4 board may take action when the time for appeal has elapsed, or the judgment of  
5 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  
7 section 1203.4 of the Penal Code allowing the person to withdraw his or her plea of  
8 guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or  
9 dismissing the accusation, information, or indictment . . .

#### 6 COST RECOVERY

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

#### 11 FIRST CAUSE FOR DISCIPLINE

##### 12 (Criminal Conviction)

13 8. Respondent is subject to disciplinary action for unprofessional conduct pursuant to  
14 Code section 4301(l), in that on or about January 11, 2016, in the criminal proceeding *People vs.*  
15 *Vinnessa Athene Roberts* (Placer County Super. Ct., Case No. 62-141109), Respondent was  
16 convicted by her plea of nolo contendere to violating Penal Code 530.5(c)(3) (fraudulent  
17 possession of personal identifying information of ten or more victims), a felony, a crime  
18 substantially related to the qualifications, functions, and duties of a pharmacy technician.  
19 Respondent's sentence was stayed and she was placed on probation for three (3) years with  
20 certain terms and conditions that included serving 120 days in the Placer County Jail. The  
21 circumstances of the crime are set forth in paragraphs 9 and 10 below.

22 9. On or about July 5, 2015, Respondent was at Golfland Sunsplash in Roseville when  
23 she was flagged for having purchased passes with a stolen credit card. Officer M. of the  
24 Roseville Police Department ("RPD") located Respondent at Golfland Sunsplash and was  
25 provided with specific information by Golfland about Respondent's fraudulent purchase.  
26 Respondent admitted to participating in a network that used stolen credit information. Among  
27 other things, Respondent possessed a "Hello Kitty" binder with credit card/identifying  
28 information for numerous individuals. All victims were contacted and stated the credit

1 information was stolen and no one had given permission for use of their credit card or credit  
2 information to Respondent. Respondent admitted that the binder and the contents belonged to her  
3 and that information in the binder was in her handwriting. Respondent admitted that the stolen  
4 information and cards were used to purchase season passes to Sunsplash and that she was caught  
5 on the fourth time she used the passes. Respondent was arrested for identity theft and transported  
6 to the Placer County Jail for booking.

7 10. On or about July 16, 2015, Roseville police notified the individuals identified in the  
8 binder that their credit information had been found and contacted over 35 victims by telephone.  
9 The victims all stated in summary they did not know Respondent, that Respondent did not have  
10 any reason to have their credit card information, names or addresses, and that Respondent did not  
11 have permission to use their credit card or other personal information to make any purchases.

12 **SECOND CAUSE FOR DISCIPLINE**

13 **(Acts Involving Moral Turpitude, Dishonesty, Fraud, Deceit, or Corruption)**

14 11. Respondent is subject to disciplinary action for unprofessional conduct pursuant to  
15 Code section 4301 (f), in that Respondent committed acts involving moral turpitude, dishonesty,  
16 fraud, deceit, or corruption, as set forth in paragraphs 8 through 10 above.

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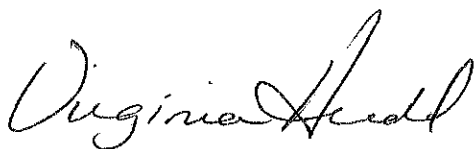
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**PRAYER**

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

1. Revoking or suspending Pharmacy Technician Registration Number TCH 122058, issued to Vinnessa A. Roberts;
2. Ordering Vinnessa A. Roberts 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: 9/27/16



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

SA2016101766