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7 *Attorneys for Complainant*

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. 5841

12 **PATRICIA SANDATE**
13 1323 Stillman Avenue
Redlands, CA 92374

A C C U S A T I O N

14 **Pharmacy Technician Registration No. TCH**
15 **52975**

16 Respondent.

17
18 Complainant alleges:

19 **PARTIES**

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

22 2. On or about January 8, 2004, the Board issued Pharmacy Technician Registration No.
23 TCH 52975 to Patricia Sandate ("Respondent"). The Pharmacy Technician Registration was in
24 full force and effect at all times relevant to the charges brought herein, and will expire on
25 February 28, 2017, unless renewed.

26 **JURISDICTION**

27 3. This Accusation is brought before the Board, under the authority of the following
28 laws. All section references are to the Business and Professions Code unless otherwise indicated.

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8. 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 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.

....

(j) The violation of any of the statutes of this state, of any other state, or of the United States regulating controlled substances and dangerous drugs.

....

(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 . . . the statutes of this state regulating controlled substances or dangerous drugs shall be conclusive evidence of unprofessional conduct..."

REGULATORY PROVISION

9. 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

10. Section 125.3 states, 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

1 case.

2 **FIRST CAUSE FOR DISCIPLINE**

3 *(Conviction of Substantially Related Crime – Controlled Substance)*

4 11. Respondent is subject to disciplinary action under Code sections 490, 4300, and 4301,
5 subdivision (l), in conjunction with California Code of Regulations, title 16, section 1770, on the
6 grounds of unprofessional conduct, in that, Respondent was convicted of a violation of a statute
7 of this state regulating controlled substances which crime is substantially related to the
8 qualifications, functions, or duties of a registered pharmacy technician which to a substantial
9 degree evidences her present or potential unfitness to perform the functions authorized by her
10 registration in a manner consistent with the public health, safety, or welfare, as follows:

11 a. On or about September 9, 2016, after pleading *nolo contendere*, Respondent
12 was convicted of one felony count of violating Penal Code section 32 [accessory after the fact], in
13 the amended complaint in the criminal proceeding entitled *The People of the State of California v.*
14 *Patricia Sandate* (Super. Ct. Kern County, 2016, No. DF012485B). On October 27, 2016, the
15 Court sentenced Respondent to serve 4 days in jail, 3 years formal probation, and terms and
16 conditions. Probation is scheduled to expire on October 27, 2019.

17 b. The circumstances surrounding the conviction are that on September 20, 2015,
18 Respondent was an approved visitor to an inmate at Kern Valley State Prison. A correctional
19 officer monitoring the visiting facility observed Respondent pass contraband to an inmate through
20 a kiss. An investigation revealed that the contraband consisted of between 4 - 6 bindles of a
21 controlled substance, methamphetamine, and Respondent was arrested.

22 **SECOND CAUSE FOR DISCIPLINE**

23 *(Conviction Related to Controlled Substance and Dangerous Drugs)*

24 12. Respondent is subject to disciplinary action under sections 4300 and 4301,
25 subdivision (j), on the grounds of unprofessional conduct, in that, Respondent committed acts and
26 was convicted of a crime which constitutes a violation of a statute of this state regulating
27 controlled substances and dangerous drugs, as set forth above in paragraphs 11 (a) and (b).

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1 **THIRD CAUSE FOR DISCIPLINE**

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

3 13. Respondent is subject to disciplinary action under sections 4300 and 4301, subdivision
4 (f), on the grounds of unprofessional conduct, in that, Respondent committed acts and was
5 convicted of a crime involving moral turpitude, dishonesty, fraud, deceit, and/or corruption, as set
6 forth above in paragraphs 11 (a) and (b).

7 **PRAYER**

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

- 10 1. Revoking Pharmacy Technician Registration No. TCH 52975 issued to Patricia
- 11 Sandate;
- 12 2. Ordering Patricia Sandate to pay the Board the reasonable costs of the investigation
- 13 and enforcement of this case, pursuant to Business and Professions Code section 125.3; and
- 14 3. Taking such other and further action as deemed necessary and proper.

15 DATED: _____

16 *2/13/17*

17 *Virginia Herold*

18 VIRGINIA HEROLD
19 Executive Officer
20 Board of Pharmacy
21 Department of Consumer Affairs
22 State of California
23 *Complainant*