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

12 In the Matter of the Accusation Against:

Case No. 6071

13 **JEGGS GABO GADIANE**  
12946 Adeline Ave.  
Moreno Valley, CA 92553

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

14 Pharmacy Technician License No. TCH 124091

15 Respondent.

16  
17 Complainant alleges:

18 **PARTIES**

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

21 2. On or about June 19, 2012, the Board issued Pharmacy Technician License No. TCH  
22 124091 to Jeggs Gabo Gadiane (Respondent). The Pharmacy Technician License expired on  
23 August 31, 2017, and has not been renewed.

24 **JURISDICTION**

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

27 **STATUTORY PROVISIONS**

28 4. Section 490 provides that a board may suspend or revoke a license on the ground that

1 the licensee has been convicted of a crime substantially related to the qualifications, functions, or  
2 duties of the business or profession for which the license was issued.

3 5. Section 493 states:

4 "Notwithstanding any other provision of law, in a proceeding conducted by a board within  
5 the department pursuant to law to deny an application for a license or to suspend or revoke a  
6 license or otherwise take disciplinary action against a person who holds a license, upon the ground  
7 that the applicant or the licensee has been convicted of a crime substantially related to the  
8 qualifications, functions, and duties of the licensee in question, the record of conviction of the  
9 crime shall be conclusive evidence of the fact that the conviction occurred, but only of that fact,  
10 and the board may inquire into the circumstances surrounding the commission of the crime in order  
11 to fix the degree of discipline or to determine if the conviction is substantially related to the  
12 qualifications, functions, and duties of the licensee in question.

13 "As used in this section, 'license' includes 'certificate,' 'permit,' 'authority,' and 'registration.'"

14 6. Section 4300, subdivision (a), states that "[e]very license issued may be suspended or  
15 revoked."

16 7. Section 4300.1 states:

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

22 8. Section 4301 states, in pertinent part:

23 "The board shall take action against any holder of a license who is guilty of unprofessional  
24 conduct or whose license has been issued by mistake. Unprofessional conduct shall include, but is  
25 not limited to, any of the following:

26 . . . .

27 "(h) The administering to oneself, of any controlled substance, or the use of any dangerous  
28 drug or of alcoholic beverages to the extent or in a manner as to be dangerous or injurious to

1 oneself, to a person holding a license under this chapter, or to any other person or to the public, or  
2 to the extent that the use impairs the ability of the person to conduct with safety to the public the  
3 practice authorized by the license.

4 . . . .

5 “(k) The conviction of more than one misdemeanor or any felony involving the use,  
6 consumption, or self-administration of any dangerous drug or alcoholic beverage, or any  
7 combination of those substances.

8 “(l) The conviction of a crime substantially related to the qualifications, functions, and  
9 duties of a licensee under this chapter. The record of conviction of a violation of Chapter 13  
10 (commencing with Section 801) of Title 21 of the United States Code regulating controlled  
11 substances or of a violation of the statutes of this state regulating controlled substances or  
12 dangerous drugs shall be conclusive evidence of unprofessional conduct. In all other cases, the  
13 record of conviction shall be conclusive evidence only of the fact that the conviction occurred. The  
14 board may inquire into the circumstances surrounding the commission of the crime, in order to fix  
15 the degree of discipline or, in the case of a conviction not involving controlled substances or  
16 dangerous drugs, to determine if the conviction is of an offense substantially related to the  
17 qualifications, functions, and duties of a licensee under this chapter. A plea or verdict of guilty or a  
18 conviction following a plea of nolo contendere is deemed to be a conviction within the meaning of  
19 this provision. The board may take action when the time for appeal has elapsed, or the judgment of  
20 conviction has been affirmed on appeal or when an order granting probation is made suspending  
21 the imposition of sentence, irrespective of a subsequent order under Section 1203.4 of the Penal  
22 Code allowing the person to withdraw his or her plea of guilty and to enter a plea of not guilty, or  
23 setting aside the verdict of guilty, or dismissing the accusation, information, or indictment. . . .”

24 **REGULATORY PROVISION**

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

26 "For the purpose of denial, suspension, or revocation of a personal or facility license  
27 pursuant to Division 1.5 (commencing with Section 475) of the Business and Professions Code, a  
28 crime or act shall be considered substantially related to the qualifications, functions or duties of a

1 licensee or registrant if to a substantial degree it evidences present or potential unfitness of a  
2 licensee or registrant to perform the functions authorized by his license or registration in a manner  
3 consistent with the public health, safety, or welfare."

4 **COST RECOVERY**

5 10. Section 125.3 provides that the Board may request the administrative law judge to  
6 direct a licensee found to have committed a violation or violations of the licensing act to pay a  
7 sum not to exceed the reasonable costs of the investigation and enforcement of the case.

8 **FIRST CAUSE FOR DISCIPLINE**

9 **(Convictions of Substantially Related Crimes)**

10 11. Respondent is subject to disciplinary action under sections 490, 4300, and 4301,  
11 subdivision (I), in conjunction with California Code of Regulations, title 16, section 1770, on the  
12 grounds of unprofessional conduct, in that Respondent was convicted of crimes substantially  
13 related to the qualifications, functions or duties of a registered pharmacy technician, as follows:

14 a. On or about January 11, 2017, after pleading guilty, Respondent was convicted of  
15 three misdemeanors, Count 1, violating Vehicle Code section 23152(a) [drive while under the  
16 influence of alcohol], Count 2, violating Vehicle Code section 23152(b) [drive with an equal to or  
17 greater than 0.08% blood alcohol content (BAC), to wit, 0.26% BAC], and Count 3, violating  
18 Vehicle Code section 14601.1(a) [drive with a suspended/revoked license] in the criminal  
19 proceeding entitled *The People of the State of California v. Jeggs Gabo Gadiane* (Super. Ct.  
20 Riverside County, 2017, No. RIM1618951). The Court sentenced Respondent to 45 days in jail,  
21 placed her on 36 months of probation, ordered her to complete the MADD Victim Impact Panel,  
22 ordered her to complete a Nine-Month First-Offender Alcohol Program, and ordered her to pay  
23 victim restitution.

24 b. The circumstances underlying the conviction are that on or about October 30, 2016,  
25 Respondent drove a vehicle while under the tested influence of a 0.26% BAC resulting in her  
26 vehicle colliding into a parked vehicle.

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28 **SECOND CAUSE FOR DISCIPLINE**

1 (Misdemeanor Convictions)

2 12. Respondent is subject to disciplinary action under sections 4300, and 4301,  
3 subdivision (k), on the grounds of unprofessional conduct, in that on or about January 11, 2017,  
4 Respondent was convicted of two or more misdemeanors involving the use, consumption, or self-  
5 administration of alcoholic beverages. Complainant refers to and by this reference incorporates the  
6 allegations set forth above in paragraph 11, inclusive, as though set forth fully.

7 **THIRD CAUSE FOR DISCIPLINE**

8 (Dangerous Use of Alcohol)

9 13. Respondent is subject to disciplinary action under sections 4300, and 4301,  
10 subdivision (h), on the grounds of unprofessional conduct, in that on or about October 30, 2016,  
11 Respondent administered to herself alcoholic beverages to the extent or in a manner as to be  
12 dangerous or injurious to herself, or others. Complainant refers to and by this reference  
13 incorporates the allegations set forth above in paragraph 11, inclusive, as though set forth fully.

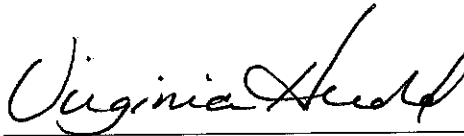
14 **PRAYER**

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

- 17 1. Revoking or suspending Pharmacy Technician License No. TCH 124091, issued to
- 18 Jeggs Gabo Gadiane
- 19 2. Ordering Jeggs Gabo Gadiane to pay the Board the reasonable costs of the
- 20 investigation and enforcement of this case, pursuant to section 125.3; and,
- 21 3. Taking such other and further action as deemed necessary and proper.

22  
23 DATED: \_\_\_\_\_

10/6/17



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

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