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7

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

10 In the Matter of the Statement of Issues	Case No. 4156
11 Against:	
12 <b>TRENIECE DANIELLE BRATTON</b>	<b>STATEMENT OF ISSUES</b>
13 1635 South Sierra Bonita Avenue	
14 Los Angeles, CA 90019	
15 Respondent.	

16 Complainant alleges:

17 **PARTIES**

- 18 1. Virginia Herold (Complainant) brings this Statement of Issues solely in her official  
19 capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs.
- 20 2. On or about April 5, 2010, the Board of Pharmacy (Board) received an application for  
21 a Pharmacy Technician registration from Treniece Danielle Bratton (Respondent). On or about  
22 March 9, 2010, Respondent certified under penalty of perjury to the truthfulness of all statements,  
23 answers, and representations in the application. The Board denied the application on May 25,  
24 2011.

25 **JURISDICTION**

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



1 subdivision (a) only if the crime is substantially related to the qualifications, functions, or duties  
2 of the business or profession for which the licensee's license was issued.

3 "(c) A conviction within the meaning of this section means a plea or verdict of guilty or a  
4 conviction following a plea of nolo contendere. Any action that a board is permitted to take  
5 following the establishment of a conviction may be taken when the time for appeal has elapsed, or  
6 the judgment of conviction has been affirmed on appeal, or when an order granting probation is  
7 made suspending the imposition of sentence, irrespective of a subsequent order under the  
8 provisions of Section 1203.4 of the Penal Code."

9 6. Section 4300 provides, in pertinent part, that every license issued by the Board is  
10 subject to discipline, including suspension or revocation.

11 7. Section 4301 states, in pertinent part:

12 "The board shall take action against any holder of a license who is guilty of unprofessional  
13 conduct or whose license has been procured by fraud or misrepresentation or issued by mistake.  
14 Unprofessional conduct shall include, but is not limited to, any of the following:

15 . . . .

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

19 . . .

20 "(l) The conviction of a crime substantially related to the qualifications, functions, and  
21 duties of a licensee under this chapter. The record of conviction of a violation of Chapter 13  
22 (commencing with Section 801) of Title 21 of the United States Code regulating controlled  
23 substances or of a violation of the statutes of this state regulating controlled substances or  
24 dangerous drugs shall be conclusive evidence of unprofessional conduct. In all other cases, the  
25 record of conviction shall be conclusive evidence only of the fact that the conviction occurred.  
26 The board may inquire into the circumstances surrounding the commission of the crime, in order  
27 to fix the degree of discipline or, in the case of a conviction not involving controlled substances  
28 or dangerous drugs, to determine if the conviction is of an offense substantially related to the

1 qualifications, functions, and duties of a licensee under this chapter. A plea or verdict of guilty or  
2 a conviction following a plea of nolo contendere is deemed to be a conviction within the meaning  
3 of this provision. The board may take action when the time for appeal has elapsed, or the  
4 judgment of conviction has been affirmed on appeal or when an order granting probation is made  
5 suspending the imposition of sentence, irrespective of a subsequent order under Section 1203.4 of  
6 the Penal Code allowing the person to withdraw his or her plea of guilty and to enter a plea of not  
7 guilty, or setting aside the verdict of guilty, or dismissing the accusation, information, or  
8 indictment.

9 . . . .

10 "(p) Actions or conduct that would have warranted denial of a license."

### 11 REGULATORY PROVISIONS

12 8. California Code of Regulations, title 16, section 1770 states, in pertinent part:

13 "For the purpose of denial, suspension, or revocation of a personal or facility license  
14 pursuant to Division 1.5 (commencing with Section 475) of the Business and Professions Code, a  
15 crime or act shall be considered substantially related to the qualifications, functions or duties of a  
16 licensee or registrant if to a substantial degree it evidences present or potential unfitness of a  
17 licensee or registrant to perform the functions authorized by his license or registration in a manner  
18 consistent with the public health, safety, or welfare."

### 19 FIRST CAUSE FOR DENIAL OF APPLICATION

#### 20 (Conviction of Crimes)

21 9. Respondent's application is subject to denial under section 480, subdivision (a)(1), in  
22 that Respondent was convicted of the following crimes:

23 a. On or about August 3, 2010, Respondent was convicted of one misdemeanor count of  
24 violating Vehicle Code section 12500 [driving without a valid driver's license] in a criminal  
25 proceeding entitled *The People of the State of California v. Treniece Danielle Bratton* (Super. Ct.  
26 Los Angeles County, Case No. 0BV0147701). The circumstances surrounding the conviction are  
27 that on or about August 1, 2010, during a routine traffic stop by the Beverly Hills Police  
28 Department, Respondent was determined to be driving with a suspended driver's license. During

1 a search of the vehicle, the officer found several gift cards, identification cards, and checkbooks  
2 that belonged to unknown individuals, at least one of which was a victim of identity theft.

3 b. On or about March 16, 2006, Respondent was convicted of two misdemeanor counts  
4 of violating Penal Code section 508 [Embezzlement] in a criminal proceeding entitled *The People*  
5 *of the State of California v. Treniece Bratton* (Super. Ct. Los Angeles County, Case No.  
6 5HL03341). The circumstances surrounding the conviction are that on or about December 5,  
7 2005, while employed by Home Depot in Los Angeles, CA, Respondent returned merchandise on  
8 receipts that were not present at the time of the return for cash or store credit, opened accounts  
9 under other people's names and charged gift cards on those accounts. As a result of the  
10 conviction, Respondent was sentenced to serve 1 day in Los Angeles County Jail, ordered to pay  
11 restitution of \$1,486.18, and placed on 36 months probation, with terms and conditions.

12 **SECOND CAUSE FOR DENIAL OF APPLICATION**

13 **(Acts Involving Dishonesty, Fraud, or Deceit)**

14 10. Respondent's application is subject to denial under section 480, subdivision (a)(2), in  
15 that Respondent committed acts involving dishonesty, fraud, or deceit with the intent to  
16 substantially benefit herself, or substantially injure another. Complainant refers to, and by this  
17 reference incorporates, the allegations set forth above in paragraph 9 as though set forth fully.

18 **THIRD CAUSE FOR DENIAL OF APPLICATION**

19 **(Knowingly Make a False Statement of Fact)**

20 11. Respondent application is subject to denial under section 480, subdivision (c), in that  
21 on or about March 9, 2010, Respondent knowingly made a false statement of fact under penalty  
22 of perjury by checking "no" in response to a question in the application as to whether she had  
23 ever been convicted of a crime. In fact, Respondent had been convicted of the crimes identified  
24 in paragraph 9.

1 **FOURTH CAUSE FOR DENIAL OF APPLICATION**

2 **(Acts Warranting Denial of Licensure)**

3 12. Respondent's application is subject to denial under sections 4301, subdivision (p) and  
4 480, subdivisions (a)(3)(A) and (a)(3)(B), in that Respondent committed the following acts which  
5 if done by a licentiate, would be grounds for suspension or revocation of her license:

6 a. Respondent was convicted of crimes substantially related to the qualifications,  
7 functions, or duties of a pharmacy technician which to a substantial degree evidence her present  
8 or potential unfitness to perform the functions authorized by her license in a manner consistent  
9 with the public health, safety, or welfare, in violation of sections 4031, subdivision (l), and 490,  
10 in conjunction with California Code of Regulations, title 16, section 1770. Complainant refers to,  
11 and by this reference incorporates, the allegations set forth above in paragraph 9 as though set  
12 forth fully.

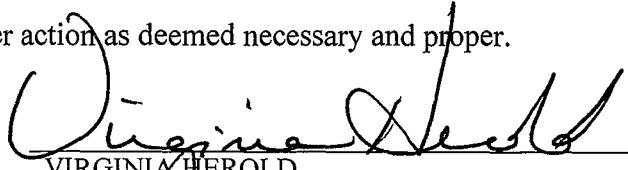
13 b. Respondent committed acts involving dishonesty, fraud, or deceit, in violation of  
14 section 4301, subdivision (f). Complainant refers to, and by this reference incorporates, the  
15 allegations set forth above in paragraph 9 as though set forth fully.

16 **PRAYER**

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

- 19 1. Denying the application of Respondent for registration as a Pharmacy Technician;  
20 and  
21 2. Taking such other and further action as deemed necessary and proper.

22 DATED: 7/10/12

23   
24 VIRGINIA HEROLD  
25 Executive Officer  
26 Board of Pharmacy  
27 Department of Consumer Affairs  
28 State of California  
Complainant

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