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

In the Matter of the Accusation Against:

Case No. 2635

GLORIA LEE ROMERO,  
A.K.A. GLORIA LEE NAVARRO  
105 Dearborn Pl. #38  
Goleta, CA 93117

**DEFAULT DECISION  
AND ORDER**

Original Pharmacy Technician Registration No.  
TCH 7860

[Gov. Code, §11520]

Respondent.

FINDINGS OF FACT

1. On or about November 1, 2004, Complainant Patricia F. Harris, in her official capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs, filed Accusation No. 2635 against Gloria Lee Romero, also known as Gloria Lee Navarro (Respondent) before the Board of Pharmacy.

2. On or about June 8, 1993, the Board of Pharmacy (Board) issued Original Pharmacy Technician Registration No. TCH 7860 to Respondent. The Pharmacy Technician Registration was in full force and effect at all times relevant to the charges brought herein, and expired on August 31, 2004, and has not been renewed.

3. On or about November 9, 2004, Tracey To, an employee of the Department of Justice, served by Certified and First Class Mail a copy of the Accusation No.

1 2635, Statement to Respondent, Notice of Defense, Request for Discovery, and Government  
2 Code sections 11507.5, 11507.6, and 11507.7 to Respondent's address of record with the Board,  
3 which was and is 105 Dearborn Pl. #38, Goleta, CA 93117. A copy of the Accusation is  
4 attached as exhibit A, and is incorporated herein by reference.

5 4. Service of the Accusation was effective as a matter of law under the  
6 provisions of Government Code section 11505, subdivision (c).

7 5. On or about November 11, 2004, the aforementioned documents were  
8 returned by the U.S. Postal Service marked "Unable to Forward." The postal returned documents  
9 are incorporated herein by reference.

10 6. Business and Professions Code section 118 states, in pertinent part:

11 "(b) The suspension, expiration, or forfeiture by operation of law of a license  
12 issued by a board in the department, or its suspension, forfeiture, or cancellation by order of the  
13 board or by order of a court of law, or its surrender without the written consent of the board, shall  
14 not, during any period in which it may be renewed, restored, reissued, or reinstated, deprive the  
15 board of its authority to institute or continue a disciplinary proceeding against the licensee upon  
16 any ground provided by law or to enter an order suspending or revoking the license or otherwise  
17 taking disciplinary action against the license on any such ground."

18 7. Government Code section 11506 states, in pertinent part:

19 "(c) The respondent shall be entitled to a hearing on the merits if the respondent  
20 files a notice of defense, and the notice shall be deemed a specific denial of all parts of the  
21 accusation not expressly admitted. Failure to file a notice of defense shall constitute a waiver of  
22 respondent's right to a hearing, but the agency in its discretion may nevertheless grant a hearing."

23 8. Respondent failed to file a Notice of Defense within 15 days after service  
24 upon her of the Accusation, and therefore waived her right to a hearing on the merits of  
25 Accusation No. 2635.

26 9. California Government Code section 11520 states, in pertinent part:

27 "(a) If the respondent either fails to file a notice of defense or to appear at the  
28 hearing, the agency may take action based upon the respondent's express admissions or upon



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

In the Matter of the Accusation Against:

Case No. 2635

**Gloria Lee Romero**

**DEFAULT DECISION AND ORDER**

Pharmacy Technician Registration No. TCH 7860

Respondent.

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**DECISION AND ORDER**

The attached Default Decision and Order is hereby adopted by the Board of Pharmacy of the Department of Consumer Affairs, as its Decision in the above-entitled matter.

This decision shall become effective on March 13, 2005.

It is so ORDERED on February 11, 2005.

BOARD OF PHARMACY  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

By



STANLEY W. GOLDENBERG  
Board President

**Exhibit A**  
**Accusation No. 2635**

1 BILL LOCKYER, Attorney General  
of the State of California  
2 CHRISTINA M. THOMAS, State Bar No. 171168  
Deputy Attorney General  
3 California Department of Justice  
300 So. Spring Street, Suite 1702  
4 Los Angeles, CA 90013  
Telephone: (213) 897-2557  
5 Facsimile: (213) 897-2804

6 Attorneys for Complainant

7  
8 **BEFORE THE**  
**BOARD OF PHARMACY**  
9 **DEPARTMENT OF CONSUMER AFFAIRS**  
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:  
12 GLORIA LEE ROMERO  
AKA GLORIA LEE NAVARRO  
13 105 Dearborn Pl. #38  
Goleta, CA 93117  
14 Original Pharmacy Technician Registration  
15 No. TCH 7860  
16 Respondent.

Case No. 2635

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

17  
18 Complainant alleges:

19 PARTIES

- 20 1. Patricia F. Harris (Complainant) brings this Accusation solely in her  
21 official capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer  
22 Affairs.
- 23 2. On or about June 8, 1993, the Board of Pharmacy issued Original  
24 Pharmacy Technician Registration No. TCH 7860 to Gloria Lee Romero, also known as Gloria  
25 Lee Navarro (Respondent). The Pharmacy Technician Registration was in full force and effect at  
26 all times relevant to the charges brought herein and will expire on August 31, 2004, unless  
27 renewed.

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JURISDICTION

1  
2           3.     This Accusation is brought before the Board of Pharmacy (Board),  
3 Department of Consumer Affairs, under the authority of the following laws. All section  
4 references are to the Business and Professions Code unless otherwise indicated.

5           4.     Section 4300 of the Business and Professions Code provides, in pertinent  
6 part, that every license issued by the Board is subject to discipline, including suspension or  
7 revocation.

8           5.     Section 4301 states:

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

13           ....

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

17           "(g) Knowingly making or signing any certificate or other document that falsely  
18 represents the existence or nonexistence of a state of facts.

19           ....

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

9 . . . .

10 "(o) Violating or attempting to violate, directly or indirectly, or assisting in or  
11 abetting the violation of or conspiring to violate any provision or term of this chapter or of the  
12 applicable federal and state laws and regulations governing pharmacy, including regulations  
13 established by the board.

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

15 6. Section 4324 states:

16 "(a) Every person who signs the name of another, or of a fictitious person, or  
17 falsely makes, alters, forges, utters, publishes, passes, or attempts to pass, as genuine, any  
18 prescription for any drugs is guilty of forgery and upon conviction thereof shall be punished by  
19 imprisonment in the state prison, or by imprisonment in the county jail, for not more than one  
20 year."

21 7. Section 490 of the Code states:

22 "A Board may suspend or revoke a license on the ground that the licensee has  
23 been convicted of a crime, if the crime is substantially related to the qualifications, functions, or  
24 duties of the business or profession for which the license was issued, or the ground of knowingly  
25 making a false statement of fact required to be revealed in an application for such license. A  
26 conviction within the meaning of this section means a plea or verdict of guilty or a conviction  
27 following a plea of nolo contendere. Any action which a Board is permitted to take following the  
28 establishment of a conviction may be taken when the time for appeal has elapsed, or the

1 judgment of conviction has been affirmed on appeal, or when an order granting probation is  
2 made suspending the imposition of sentence, irrespective of a subsequent order under the  
3 provisions of section 1203.4 of the Penal Code.”

4 8. Health and Safety Code section 11173 states:

5 “(a) No person shall obtain or attempt to obtain controlled substances, or procure  
6 or attempt to procure the administration of or prescription for controlled substances, (1) by fraud,  
7 deceit, misrepresentation, or subterfuge; or (2) by the concealment of a material fact.

8 “(b) No person shall make a false statement in any prescription, order, report, or  
9 record, required by this division.”

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

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

17 10. Section 118, subdivision (b) of the Code provides that the  
18 suspension/expiration of a license shall not deprive the Board of jurisdiction to proceed with a  
19 disciplinary action during the period within which the license may be renewed, restored, reissued  
20 or reinstated.

21 11. Section 125.3, subdivision (a), states, in pertinent part:

22 “Except as otherwise provided by law, in any order issued in resolution of a  
23 disciplinary proceeding before any board within the department . . . the board may request the  
24 administrative law judge to direct a licentiate found to have committed a violation or violations  
25 of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
26 enforcement of the case.”

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1 DRUGS

2 12. Section 4022 of the Code provides, in pertinent part, that a "dangerous  
3 drug" means any drug unsafe for self-use in that under federal or state law it can be lawfully  
4 dispersed only on prescription or furnished pursuant to section 4006 of the Code.

5 13. Section 4021 of the Code provides in pertinent part, that a "controlled  
6 substance" means any substance listed in Chapter 2 of Division 10 of the Health and Safety  
7 Code.

8 "Darvocet," is a brand of propoxyphene and acetaminophen. It is a Schedule IV  
9 controlled substance, as designated by Health and Safety Code section 11057(c)(2) and is  
10 categorized as a dangerous drug pursuant to section 4022 of the Code.

11 FIRST CAUSE FOR DISCIPLINE

12 (Conviction of a Crime)

13 14. Respondent is subject to disciplinary action under sections 4031,  
14 subdivision (l) and 490 of the Code, in conjunction with California Code of Regulations, title 16,  
15 section 1770, for unprofessional conduct, in that Respondent was convicted of a crime  
16 substantially related to the qualifications, functions, or duties of a pharmacy technician, by reason  
17 of the following:

18 A. On or about September 23, 1997, Respondent was convicted by the court  
19 on a plea of no contest of one count of violating Vehicle Code section 23152, subdivision (a)  
20 (driving under the influence of alcohol), a misdemeanor, in the Municipal Court of California,  
21 Santa Barbara Judicial District, County of Santa Barbara, State of California, entitled *People v.*  
22 *Gloria Lee Romero*, Case No. 475397.

23 B. The circumstances surrounding the conviction are that on or about August  
24 25, 1997, Respondent willfully and unlawfully drove a motor vehicle while under the influence  
25 of an alcoholic beverage.

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3. Taking such other and further action as deemed necessary and proper.

DATED: 11/1/04

*P. F. Harris*  
\_\_\_\_\_  
PATRICIA F. HARRIS  
Executive Officer  
Board of Pharmacy  
Department of Consumer Affairs  
State of California  
Complainant

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