

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

In the Matter of the Accusation Against:

Case No. 3170

JENNIFER ABAD

20711 Vanowen St #118
Winnetka, CA 91306

Original Pharmacy Technician
Registration No. TCH 39013

Respondent.

DECISION AND ORDER

The attached Stipulated Surrender of License and Order is hereby adopted by the Board of Pharmacy, Department of Consumer Affairs, as its Decision in this matter.

This decision shall become effective on February 18, 2010.

It is so ORDERED on January 19, 2010.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

By

Kenneth H. Schell

KENNETH H. SCHELL
Board President

1 EDMUND G. BROWN JR.
Attorney General of California
2 GLORIA A. BARRIOS
Supervising Deputy Attorney General
3 MICHAEL BROWN
Deputy Attorney General
4 State Bar No. 231237
300 So. Spring Street, Suite 1702
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Attorneys for Complainant
7

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

10 In the Matter of the Accusation Against:

Case No. 3170

11 **JENNIFER M. ABAD**

12 Respondent.

**STIPULATED SURRENDER OF
13 LICENSE AND ORDER**

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16 IT IS HEREBY STIPULATED AND AGREED by and between the parties in this
17 proceeding that the following matters are true:

18 PARTIES

19 1. Virginia Herold (Complainant) is the Executive Officer of the Board of Pharmacy.
20 She brought this action solely in her official capacity and is represented in this matter by Edmund
21 G. Brown Jr., Attorney General of the State of California, by Michael Brown, Deputy Attorney
22 General.

23 2. Jennifer M. Abad (Respondent) is represented in this proceeding by attorney Azad
24 Jingoian, whose address is 555 West Fifth Street, 31st. Floor, Los Angeles, CA 90013.

25 3. On or about August 16, 2001, the Board of Pharmacy issued Pharmacy Technician
26 Registration No. TCH 39013 to Jennifer M. Abad (Respondent). The Registration was in full
27 force and effect at all times relevant to the charges brought in Accusation No. 3170 and will
28 expire on January 31, 2011, unless renewed.

CONTINGENCY

1
2 10. This stipulation shall be subject to approval by the Board of Pharmacy. Respondent
3 understands and agrees that counsel for Complainant and the staff of the Board of Pharmacy may
4 communicate directly with the Board regarding this stipulation and surrender, without notice to or
5 participation by Respondent or her counsel. By signing the stipulation, Respondent understands
6 and agrees that she may not withdraw her agreement or seek to rescind the stipulation prior to the
7 time the Board considers and acts upon it. If the Board fails to adopt this stipulation as its
8 Decision and Order, the Stipulated Surrender and Disciplinary Order shall be of no force or
9 effect, except for this paragraph, it shall be inadmissible in any legal action between the parties,
10 and the Board shall not be disqualified from further action by having considered this matter.

11 11. The parties understand and agree that facsimile copies of this Stipulated Surrender of
12 License and Order, including facsimile signatures thereto, shall have the same force and effect as
13 the originals.

14 12. In consideration of the foregoing admissions and stipulations, the parties agree that
15 the (Board) may, without further notice or formal proceeding, issue and enter the following
16 Order:

ORDER

17
18 IT IS HEREBY ORDERED that Pharmacy Technician Registration No. TCH 39013, issued
19 to Respondent Jennifer M. Abad is surrendered and accepted by the Board of Pharmacy.

20 13. The surrender of Respondent's Pharmacy Technician Registration and the acceptance
21 of the surrendered license by the Board shall constitute the imposition of discipline against
22 Respondent. This stipulation constitutes a record of the discipline and shall become a part of
23 Respondent's license history with the Board.

24 14. Respondent shall lose all rights and privileges as a Pharmacist in California as of the
25 effective date of the Board's Decision and Order.

26 15. Respondent shall cause to be delivered to the Board both her wall license certificate
27 and, if one was issued, pocket license on or before the effective date of the Decision and Order.
28

1 Respondent may not submit an application to the Board for three years from the effective date of
2 this decision.

3 16. Respondent fully understands and agrees that if she ever files an application for
4 licensure or a petition for reinstatement in the State of California, the Board shall treat it as a
5 petition for reinstatement. Respondent must comply with all the laws, regulations and procedures
6 for reinstatement of a revoked license in effect at the time the petition is filed, and all of the
7 charges and allegations contained in Accusation No. 3170 shall be deemed to be true, correct and
8 admitted by Respondent when the Board determines whether to grant or deny the petition.

9 17. Should Respondent ever apply or reapply for a new license or certification, or petition
10 for reinstatement of a license, by any other health care licensing agency in the State of California,
11 all of the charges and allegations contained in Accusation, No. 3170 shall be deemed to be true,
12 correct, and admitted by Respondent for the purpose of any Statement of Issues or any other
13 proceeding seeking to deny or restrict licensure.

14 18. Respondent shall pay the Board its costs of investigation and enforcement in the
15 amount of \$4,553.75 prior to issuance of a new or reinstated license.

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QUEST DIAGNOSTICS

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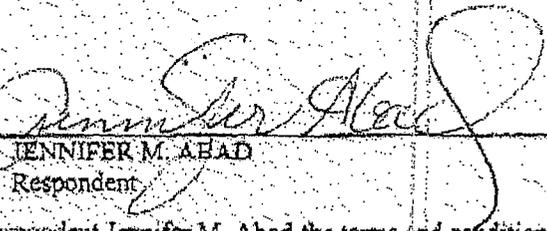
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ACCEPTANCE

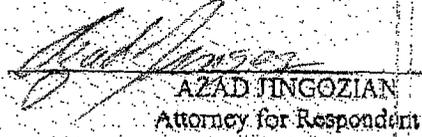
I have carefully read the above Stipulated Surrender of License and Order and have fully discussed it with my attorney, Azad Jingoian. I understand the stipulation and the effect it will have on my Pharmacy Technician Registration. I enter into this Stipulated Surrender of License and Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board of Pharmacy.

DATED: 8-11-09


JENNIFER M. ABAD
Respondent

I have read and fully discussed with Respondent Jennifer M. Abad the terms and conditions and other matters contained in this Stipulated Surrender of License and Order. I approve its form and content.

DATED: 8-13-09


AZAD JINGOIAN
Attorney for Respondent

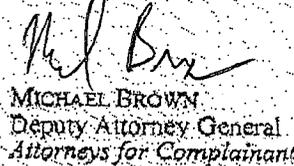
ENDORSEMENT

The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted for consideration by the Board of Pharmacy of the Department of Consumer Affairs.

Dated: July 15, 2009

Respectfully Submitted,

EDMUND G. BROWN JR.
Attorney General of California
GLORIA A. BARRIOS
Supervising Deputy Attorney General


MICHAEL BROWN
Deputy Attorney General
Attorneys for Complainant

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Exhibit 1

Accusation No. 3170

1 EDMUND G. BROWN JR., Attorney General
of the State of California
2 GLORIA A. BARRIOS
Supervising Deputy Attorney General
3 KIMBERLEY J. BAKER-GUILLEMET, State Bar No. 242920
Deputy Attorney General
4 300 So. Spring Street, Suite 1702
Los Angeles, CA 90013
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8 **BEFORE THE**
BOARD OF PHARMACY
9 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

10 In the Matter of the Accusation Against:

Case No. 3170

11 JENNIFER M. ABAD
12 20711 Vanowen Street, #118
Winnetka, CA 91306
13 Pharmacy Technician Registration
No. TCH 39013

ACCUSATION

14 Respondent.
15

16 Complainant alleges:

17 **PARTIES**

- 18 1. Virginia K. Herold (Complainant) brings this Accusation solely in her
19 official capacity as the Executive Officer of the Board of Pharmacy (Board).
20
21 2. On or about August 16, 2001, the Board issued Pharmacy Technician
22 Registration Number TCH 39013 to Jennifer M. Abad (Respondent). The Pharmacy Technician
23 Registration was in full force and effect at all times relevant to the charges brought herein and
24 will expire on January 31, 2009, unless renewed.

25 **JURISDICTION**

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

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4. Section 4300 of the Code states:

“(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. Section 4301 of the Code states:

“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.

...

6. Section 490 of the Code states:

“(a) In addition to any other action that a board is permitted to take against a licensee, a board may suspend or revoke a license on the ground that the licensee has been convicted of a crime, if the crime is substantially related to the qualifications, functions, or duties

1 of the business or profession for which the license was issued.”

2 7. Section 493 of the Code states, in pertinent part:

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

12 8. Section 125.3 of the Code provides, in pertinent part, that the Board may
13 request the administrative law judge to direct a licensee found to have committed a violation or
14 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation
15 and enforcement of the case.

16 **FIRST CAUSE FOR DISCIPLINE**

17 **(Substantially Related Conviction)**

18 9. Respondent is subject to disciplinary action under section 4301,
19 subdivision 1 of the Code in that Respondent was convicted of a crime substantially related to the
20 qualifications, functions, and duties of a licensee. On or about October 5, 2006, in the case
21 entitled *The People of the State of California vs. Jennifer M. Abad*, (Superior Court of
22 California, County of Los Angeles, Case No. 6PY05296), Respondent was convicted by the
23 Court on her plea of nolo contendere of the crime of grand theft in violation of section 487(a) of
24 the Penal Code. The circumstances surrounding the conviction are as follows:

25 a. On or about August 8, 2006, two Ralph’s Supermarket and
26 Pharmacy security investigators observed Respondent, who was at the time employed as a
27 pharmacy technician at Ralph’s Supermarket and Pharmacy, enter her “override” card into the
28 cash register, sign a refund receipt for \$115.05 and take currency from the register. The security

1 investigators then observed Respondent put the money into her pocket. Earlier that day, upon
2 investigation of the pharmacy cash register, the security investigators discovered that an usually
3 high number of voided receipts, canceled transactions and large cash refunds had been generated
4 at the register. Several of the customer signatures for the refunds appeared to be similar. On
5 each refund receipt, a phone number for the "customer" was listed next to the customer
6 signature. The security investigators called the phone numbers on the refund receipts and
7 discovered that 13 refund receipts generated by Respondent had wrong phone numbers or phone
8 numbers for people who did not exist. These receipts totaled \$1453.44.

9 On or about August 10, 2006, the two security investigators confronted Respondent
10 with the evidence they had against her. Respondent admitted to the security investigators that
11 she had committed the fraudulent transactions because she was severely in debt. Respondent
12 admitted to the security investigators that over the course of several months she had stolen over
13 approximately \$3000.00. Respondent voluntarily wrote and signed a detailed statement in which
14 she admitted to generating false receipts and stealing money.

15 **SECOND CAUSE FOR DISCIPLINE**

16 **(Dishonest Acts)**

17 10. Respondent is subject to disciplinary action under section 4301,
18 subdivision f of the Code in that Respondent committed acts involving moral turpitude,
19 dishonesty, fraud, deceit, or corruption in the course of relations as a licensee in that Respondent
20 was convicted of grand theft as more fully set forth in paragraph 9, above.

21 **THIRD CAUSE FOR DISCIPLINE**

22 **(Unprofessional Conduct)**

23 11. Respondent is subject to disciplinary action under section 4301 of the Code
24 in that Respondent engaged in unprofessional conduct in that Respondent was convicted of
25 grand theft as more fully set forth in paragraph 9, above.

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PRAYER

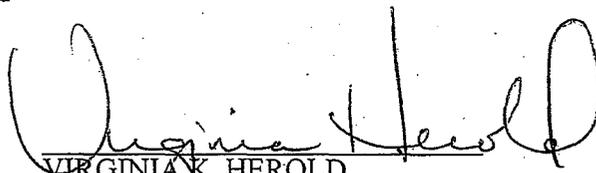
WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board issue a decision:

A. Revoking or suspending Pharmacy Technician Registration Number TCH 39013, issued to Jennifer M. Abad;

B. Ordering Jennifer M. Abad to pay the Board the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;

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

DATED: 12/8/08



VIRGINIA K. HEROLD
Executive Officer
Board of Pharmacy
State of California
Complainant

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