

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

In the Matter of the Accusation Against:

Case No. 3260

**MELISSA CARMEL DAVIS**

28147 Newbird Drive  
Saugus, CA 91350

Pharmacy Technician Registration No. TCH  
21218

Respondent.

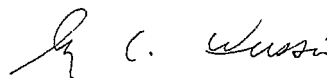
**DECISION AND ORDER**

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 March 28, 2011.

It is so ORDERED February 25, 2011.

BOARD OF PHARMACY  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA



By

\_\_\_\_\_  
STANLEY C. WEISSER  
Board President

1 EDMUND G. BROWN JR.  
Attorney General of California  
2 LINDA K. SCHNEIDER  
Supervising Deputy Attorney General  
3 LORETTA A. WEST  
Deputy Attorney General  
4 State Bar No. 149294  
110 West "A" Street, Suite 1100  
5 San Diego, CA 92101  
P.O. Box 85266  
6 San Diego, CA 92186-5266  
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7 Facsimile: (619) 645-2061  
*Attorneys for Complainant*

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

11 In the Matter of the Accusation Against:

Case No. 2008 3260

12 **MELISSA CARMEL DAVIS**  
13 **28147 Newbird Drive**  
**Saugus, CA 91350**

OAH No. 2009101580

14 **Pharmacy Technician Registration**  
15 **No. TCH 21218**

**STIPULATED SURRENDER OF**  
**LICENSE AND ORDER**

16 Respondent.

17 In the interest of a prompt and speedy resolution of this matter, consistent with the  
18 public interest and the responsibility of the Board of Pharmacy of the Department of  
19 Consumer Affairs the parties hereby agree to the following Stipulated Surrender of License  
20 and Order which will be submitted to the Board for approval and adoption as the final  
21 disposition of the Accusation.

22 PARTIES

23 1. Virginia Herold (Complainant) is the Executive Officer of the Board of  
24 Pharmacy. She brought this action solely in her official capacity and is represented in this  
25 matter by Edmund G. Brown Jr., Attorney General of the State of California, by Loretta A.  
26 West, Deputy Attorney General.

27 2. Respondent Melissa Carmel Davis is represented in this proceeding by attorney  
28 Jacek W. Lentz, whose address is 1055 Wilshire Blvd., Suite 1996, Los Angeles, CA 90017.



1 CULPABILITY

2 8. Respondent admits the truth of each and every charge and allegation in  
3 Accusation No. 2008 3260, agrees that cause exists for discipline, and hereby surrenders her  
4 Pharmacy Technician Registration No. TCH 212218 for the Board's formal acceptance.

5 9. Respondent understands that by signing this stipulation she enables the Board to  
6 issue an order accepting the surrender of her Pharmacy Technician Registration without  
7 further process.

8 CONTINGENCY

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

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

22 12. This Stipulated Surrender of License and Order is intended by the parties to be  
23 an integrated writing representing the complete, final, and exclusive embodiment of their  
24 agreement. It supersedes any and all prior or contemporaneous agreements,  
25 understandings, discussions, negotiations, and commitments (written or oral). This  
26 Stipulated Surrender of License and Order may not be altered, amended, modified,  
27 supplemented, or otherwise changed except by a writing executed by an authorized  
28 representative of each of the parties.



1 18. If Respondent should ever apply or reapply for a new license or certification, or  
2 petition for reinstatement of a license, by any other health care licensing agency in the State  
3 of California, all of the charges and allegations contained in Accusation No. 2008 3260 shall  
4 be deemed to be true, correct, and admitted by Respondent for the purpose of any  
5 Statement of Issues or any other proceeding seeking to deny or restrict licensure.

6 19. Respondent shall pay the Board its costs of investigation and enforcement in the  
7 amount of \$3,500.00 prior to issuance of a new or reinstated license.

8 ACCEPTANCE

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

14  
15 DATED: \_\_\_\_\_

MELISSA CARMEL DAVIS  
Respondent

17 I have read and fully discussed with Melissa Carmel Davis the terms and conditions  
18 and other matters contained in this Stipulated Surrender of License and Order. I approve  
19 its form and content.

20 DATED: \_\_\_\_\_

JACEK W. LENTZ  
Attorney for Respondent

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 12 Surrender of License and Order voluntarily, knowingly, and intelligently, and agree to be  
 13 bound by the Decision and Order of the Board of Pharmacy.

14  
 15 DATE: 8-4-10 Melissa D. Davis  
 16 MELISSA CARMEL DAVIS  
 Respondent

17 I have read and fully discussed with Melissa Carmel Davis the terms and conditions  
 18 and other matters contained in this Stipulated Surrender of License and Order. I approve  
 19 its form and content.

20 DATE: Aug. 4, 10 Jacek W. Lentz  
 21 JACEK W. LENTZ  
 Attorney for Respondent

22  
 23 ///  
 24 ///  
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 28 ///

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14  
 15 DATED: \_\_\_\_\_

MELISSA CARMEL DAVIS  
 Respondent

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 18 and other matters contained in this Stipulated Surrender of License and Order. I approve  
 19 its form and content.

20 DATED: Aug. 4, 10 \_\_\_\_\_

JACEK W. LENTZ  
 Attorney for Respondent

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**Exhibit A**

**Accusation No. 2008 3260**

1 EDMUND G. BROWN JR., Attorney General  
of the State of California  
2 JAMES M. LEDAKIS, State Bar No. 132645  
Supervising Deputy Attorney General  
3 BLANCA I. LOPEZ,  
Senior Legal Analyst  
4 110 West "A" Street, Suite 1100  
San Diego, CA 92101

5 P.O. Box 85266  
6 San Diego, CA 92186-5266  
Telephone: (619) 645-2610  
7 Facsimile: (619) 645-2061

8 Attorneys for Complainant

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

12 In the Matter of the Accusation Against:  
13 MELISSA CARMEL DAVIS, TCH  
14 28147 Newbird Drive  
Saugus, CA 91350  
15 Original Technician Registration  
No. TCH 21218  
16 Respondent.

Case No. 3260

**ACCUSATION**

18  
19 Complainant alleges:

20 PARTIES

- 21 1. Virginia Herold (Complainant) brings this Accusation solely in her official  
22 capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs.  
23 2. On or about January 17, 1997, the Board of Pharmacy issued Original  
24 Technician Registration Number TCH 21218 to Melissa Carmel Davis (Respondent). The Original  
25 Technician Registration was in full force and effect at all times relevant to the charges brought herein  
26 and will expire on October 31, 2010, unless renewed.

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28 ///

JURISDICTION

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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 Code states:

6           “(a) Every license issued may be suspended or revoked.

7           “....”

8           5.     Section 4301 of the Code 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           “(h) The administering to oneself, of any controlled substance, or the use of any  
18 dangerous drug or of alcoholic beverages to the extent or in a manner as to be dangerous or  
19 injurious to oneself, to a person holding a license under this chapter, or to any other person or to  
20 the public, or to the extent that the use impairs the ability of the person to conduct with safety to  
21 the public the practice authorized by the license.

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

24           “(o) Violating or attempting to violate, directly or indirectly, or assisting in or  
25 abetting the violation of or conspiring to violate any provision or term of this chapter or of the  
26 applicable federal and state laws and regulations governing pharmacy, including regulations  
27 established by the board or by any other state or federal regulatory agency.

28           “(p) Actions or conduct that would have warranted denial of a license.





