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

In the Matter of the Accusation Against:

Case No. 3473

PRECIOUS FAME, A.K.A.
PRECIOUS CLAMUCHA FAME
1463 Treat Blvd., #1216
Walnut Creek, CA 94597

Pharmacy Technician License No. TCH 38982

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 August 25, 2010.

It is so ORDERED on July 26, 2010.

BOARD OF PHARMACY DEPARTMENT OF CONSUMER AFFAIRS STATE OF CALIFORNIA

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STANLEY C. WEISSER Board President

1	Edmund G. Brown Jr.						
2	Attorney General of California ARTHUR D. TAGGART Supervising Deputy Attorney General LESLIE A. BURGERMYER Deputy Attorney General State Bar No. 117576						
3							
4							
5	1300 I Street, Suite 125 P.O. Box 944255						
6	Sacramento, CA 94244-2550						
	Telephone: (916) 324-5337 Facsimile: (916) 327-8643						
7	Attorneys for Complainant						
8	BEFORE THE BOARD OF PHARMACY						
9	DEPARTMENT OF CONSUMER AFFAIRS STATE OF CALIFORNIA						
10							
11	In the Matter of the Accusation Against: Case No. AC 2009 3473						
12	PRECIOUS FAME, A.K.A. OAH No. 2010030491 PRECIOUS CLAMUCHA FAME						
13	1463 TREAT BLVD., #1216 WALNUT CREEK, CA 94597 STIPULATED SURRENDER OF LICENSE AND ORDER						
14	WALNUT CREEK, CA 74377						
15	PHARMACY TECHNICIAN LICENSE						
16	No. TCH 38982						
17	Respondent.						
18							
19	IT IS HEREBY STIPULATED AND AGREED by and between the parties in this						
20	proceeding that the following matters are true:						
21	<u>PARTIES</u>						
22	1. Virginia Herold (Complainant) is the Executive Officer of the Board of Pharmacy.						
- 23	She brought this action solely in her official capacity and is represented in this matter by Edmund						
24	G. Brown Jr., Attorney General of the State of California, by Leslie A. Burgermyer, Deputy						
25	Attorney General.						
26	2. Precious Fame, a.k.a. Precious Clamucha Fame, (Respondent) is representing herself						
27	in this proceeding and has chosen not to exercise her right to be represented by counsel.						
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3. On or about September 13, 2001, the Board of Pharmacy issued Pharmacy Technician License No. TCH 38982 to (Respondent. The license was in full force and effect at all times relevant to the charges brought in Accusation No. AC 2009 3473 and will expire on December 31, 2010, unless renewed.

JURISDICTION

4. Accusation No. AC 2009 3473 was filed before the Board of Pharmacy (Board), Department of Consumer Affairs, and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent on January 12, 2010. Respondent timely filed her Notice of Defense contesting the Accusation. A copy of Accusation No. AC 2009 3473 is attached hereto, marked as Exhibit A, and incorporated herein by reference.

ADVISEMENT AND WAIVERS

- 5. Respondent has carefully read, and understands the charges and allegations in Accusation No. AC 2009 3473. Respondent also has carefully read, and understands the effects of this Stipulated Surrender of License and Order.
- 6. Respondent is fully aware of her legal rights in this matter, including the right to a hearing on the charges and allegations in the Accusation; the right to be represented by counsel, at her own expense; the right to confront and cross-examine the witnesses against her; the right to present evidence and to testify on her own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.
- 7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

CULPABILITY

8. Respondent admits the truth of each and every charge and allegation in Accusation No. AC 2009 3473, agrees that cause exists for discipline and hereby surrenders her Pharmacy Technician License No. TCH 38982 for the Board's formal acceptance.

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

RESERVATION

10. The admissions made by Respondent herein are only for the purposes of this proceeding, or any other proceedings in which the Board of Pharmacy or other professional licensing agency is involved, and shall not be admissible in any other criminal or civil proceeding.

CONTINGENCY

- 11. This stipulation shall be subject to approval by the Board of Pharmacy. Respondent understands and agrees that counsel for Complainant and the staff of the Board of Pharmacy may communicate directly with the Board regarding this stipulation and surrender, without notice to or participation by Respondent. By signing the stipulation, Respondent understands and agrees that she may not withdraw her agreement or seek to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order, the Stipulated Surrender and Disciplinary Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not be disqualified from further action by having considered this matter.
- 12. The parties understand and agree that facsimile copies of this Stipulated Surrender of License and Order, including facsimile signatures thereto, shall have the same force and effect as the originals.
- 13. This Stipulated Surrender of License and Order is intended by the parties to be an integrated writing representing the complete, final, and exclusive embodiment of their agreement. It supersedes any and all prior or contemporaneous agreements, understandings, discussions, negotiations, and commitments (written or oral). This Stipulated Surrender of License and Order may not be altered, amended, modified, supplemented, or otherwise changed except by a writing executed by an authorized representative of each of the parties.

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

ORDER

IT IS HEREBY ORDERED that Pharmacy Technician License No. TCH 38982, issued to Respondent Precious Fame a.k.a. Precious Clamucha Fame is surrendered and accepted by the Board of Pharmacy.

- 1. The surrender of Respondent's Pharmacy Technician License and the acceptance of the surrendered license by the Board shall constitute the imposition of discipline against Respondent. This stipulation constitutes a record of the discipline and shall become a part of Respondent's license history with the Board.
- 2. Respondent shall lose all rights and privileges as a Pharmacy Technician in California as of the effective date of the Board's Decision and Order.
- 3. Respondent shall cause to be delivered to the Board both her wall license certificate and, if one was issued, pocket license on or before the effective date of the Decision and Order.
- 4. Respondent fully understands and agrees that if she ever files an application for licensure or a petition for reinstatement in the State of California, the Board shall treat it as a new application for licensure. Respondent must comply with all the laws, regulations and procedures for reinstatement of a revoked license in effect at the time the petition is filed, and all of the charges and allegations contained in Accusation No. AC 2009 3473 shall be deemed to be true, correct and admitted by Respondent when the Board determines whether to grant or deny the petition.
- 5. Should Respondent ever apply or reapply for a new license or certification, or petition for reinstatement of a license, by any other health care licensing agency in the State of California, all of the charges and allegations contained in Accusation, No. AC 2009 3473 shall be deemed to be true, correct, and admitted by Respondent for the purpose of any Statement of Issues or any other proceeding seeking to deny or restrict licensure.

Exhibit A

Accusation No. AC 2009 3473

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1	EDMUND G. BROWN JR.	·					
2	Attorney General of California ARTHUR D. TAGGART						
3	Supervising Deputy Attorney General LESLIE A. BURGERMYER						
4	Deputy Attorney General State Bar No. 117576						
5	1300 I Street, Suite 125 P.O. Box 944255						
6	Sacramento, CA 94244-2550 Telephone: (916) 324-5337						
7	Facsimile: (916) 327-8643 Attorneys for Complainant						
8	BEFORE THE BOARD OF PHARMACY DEPARTMENT OF CONSUMER AFFAIRS						
9							
10	STATE OF C	CALIFORNIA					
11	In the Matter of the Accusation Against:	Case No. AC 2009 3473					
12	PRECIOUS FAME, a.k.a.						
13	PRECIOUS CLAMUCHA FAME 178 San Tomas Drive	ACCUSATION					
14	Pittsburg, CA 94565						
15	Pharmacy Technician						
16	License No. TCH 38982						
17	Respondent.						
18							
19	Complainant alleges:						
20	PARTIES						
21	1. Virginia Herold (Complainant) brings this Accusation solely in her official capacity						
22	as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs.						
23	2. On or about September 13, 2001, the Board of Pharmacy issued Pharmacy Technician						
24	License Number TCH 38982 to Precious Fame a.k.a. Precious Clamucha Fame (Respondent).						
25	The Pharmacy Technician License was in full force and effect at all times relevant to the charges						
26	brought herein and will expire on December 31, 2010, unless renewed.						
27	<i>///</i>						
28	<i>III</i> *						
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JURISDICTION

- 3. This Accusation is brought before the Board of Pharmacy (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code (Code) unless otherwise indicated.
- 4. Section 4300 of the Code states authorizes the Board to discipline a licensee including license suspension, revocation, probation, or any other action in relation to discipline of a licensee which the Board, in its discretion, may deem proper.
- 5. Section 118, subdivision (b), of the Code provides that the suspension, expiration, surrender or cancellation of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued or reinstated.

STATUTORY PROVISIONS

6. Section 4301 of the Code states, in pertinent part:

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.
- (1). The conviction of a crime substantially related to the qualifications, functions, and duties of a licensee under this chapter. . . [T]he record of conviction shall be conclusive evidence only of the fact that the conviction occurred. The board may inquire into the circumstances surrounding the commission of the crime, in order to fix the degree of discipline or, in the case of a conviction not involving controlled substances or dangerous drugs, to determine if the conviction is of an offense substantially related to the qualifications, functions, and duties of a licensee under this chapter. A plea or verdict of guilty or a conviction following a plea of nolo contendere is deemed to be a conviction within the meaning of this provision. The board may take action when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under Section 1203.4 of the Penal Code allowing the person to withdraw his or her plea of guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or dismissing the accusation, information, or indictment.
 - (p) Actions or conduct that would have warranted denial of a license.

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10. On or about May 8, 2008. Respondent was convicted in Contra County Superior Court Case No. 132305-4, *People v. Precious Fame*, on her plea no contest to violating Penal Code section 502, subdivision (c)(1)(A) [computer fraud] and Education Code sections 32382, subdivision (b) and 32382, subdivision (f), [fraudulent use of diploma], misdemeanors.

The underlying circumstances are: on and between December 12, 2004, and December 19, 2005, Respondent paid \$400.00 to an individual to access the computer system at Diablo Valley College to change her grades from their then-existing grades for nine courses to any grade above "C" and "added" courses.

SECOND CAUSE FOR DISCIPLINE

(ACTS INVOLVING MORAL TURPITUDE, DISHONESTY, FRAUD, DECEIT, OR CORRUPTION)

- 11. Respondent is subject to disciplinary action under section 4300 and 4301, subdivision (f), as follows:
- a. On or about October 4, 2008, Respondent received stolen property, to wit, personal checks belonging to victim C.K., which had been stolen. Respondent knew the personal checks had been stolen.
- b. On and between December 12, 2004, and December 19, 2005, Respondent paid \$400.00 to an individual to access the computer system at Diablo Valley College to change her grades from their then-existing grades for nine courses to any grade above "C" and "added" courses.

THIRD CAUSE FOR DISCIPLINE

(ACTS WARRANTING LICENSE DENIAL)

- 12. Respondent is subject to disciplinary action under section Code sections 4300 and 4301, subdivision (p), in conjunction with Code section 480, in that Respondent committed acts that warranted license denial, as follows:
- a. Respondent was convicted of crimes substantially related to the qualifications, duties, and functions of a Pharmacy Technician, as alleged in paragraphs 9 and 10, above, which convictions are grounds for license denial under Code section 480, subdivision (a)(1).

DECLARATION OF SERVICE BY CERTIFIED MAIL AND FIRST CLASS MAIL

(Separate Mailings)

Case Name: In the Matter of the Accusation Against: PRECIOUS FAME, a.k.a.

PRECIOUS CLAMUCHA FAME

Board of Pharmacy Case No.: AC 2009 3473

I declare:

I am employed in the Office of the Attorney General, which is the office of a member of the California State Bar at which member's direction this service is made. I am 18 years of age or older and not a party to this matter. I am familiar with the business practice at the Office of the Attorney General for collection and processing of correspondence for mailing with the United States Postal Service. In accordance with that practice, correspondence placed in the internal mail collection system at the Office of the Attorney General is deposited with the United States Postal Service that same day in the ordinary course of business.

On January 12, 2010, I served the attached STATEMENT TO RESPONDENT; ACCUSATION; NOTICES OF DEFENSE (2); REQUEST FOR DISCOVERY; COPY OF GOVERNMENT CODE SECTIONS by placing a true copy thereof enclosed in a sealed envelope as certified mail with postage thereon fully prepaid and return receipt requested, and another true copy of the STATEMENT TO RESPONDENT; ACCUSATION; NOTICES OF DEFENSE (2); REQUEST FOR DISCOVERY; COPY OF GOVERNMENT CODE SECTIONS was enclosed in a second sealed envelope as first class mail with postage thereon fully prepaid, in the internal mail collection system at the Office of the Attorney General at 1300 I Street, Suite 125, P.O. Box 944255, Sacramento, CA 94244-2550, addressed as follows:

Precious Fame a.k.a. Precious Clamucha Fame 178 San Tomas Drive Pittsburg, CA 94565 Respondent Dennies Amidia Number 7160 3901 9848 5452 6644 SENDERS RECORD

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on <u>January 12</u>, <u>2010</u>, at Sacramento, California.

L. Talani

Declarant

Signature

SA2009102586 10525584.doc

7160 3901 9648 5452 6644

TO:

Precious Fame a.k.a. Precious Clamucha Fame 178 San Tomas Drive Pittsburg, CA 94565

SENDER:

Leslie A. Burgermyer

REFERENCE:

PS Form 3800, January 2005

SA2009102586

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