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

In the Matter of the Accusation Against:

CHRISTINA MARIE GODINEZ
611 Walnut Lane
Hollister, CA 95023
**Pharmacy Technician Registration No. TCH
86747**

Respondent.

Case No. 3545

DEFAULT DECISION AND ORDER

[Gov. Code, §11520]

FINDINGS OF FACT

1. On or about June 3, 2010, Complainant Virginia Herold, in her official capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs, filed Accusation No. 3545 against Christina Marie Godinez (Respondent) before the Board of Pharmacy.
2. On or about October 3, 2008, the Board of Pharmacy (Board) issued Pharmacy Technician Registration No. TCH 86747 to Respondent. The Pharmacy Technician Registration was in full force and effect at all times relevant to the charges brought herein and will expire on March 31, 2012, unless renewed.
3. On or about June 7, 2010, Joan Randolph, an employee of the Department of Justice, served by Certified and First Class Mail a copy of the Accusation No. 3545, Statement to Respondent, Notice of Defense, Request for Discovery, and Government Code sections 11507.5, 11507.6, and 11507.7 to Respondent's address of record with the Board, which was and is:

1 611 Walnut Lane
2 Hollister, CA 95023.

3 A copy of the Accusation is attached as exhibit A, and is incorporated herein by reference.

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

6 5. Government Code section 11506 states, in pertinent part:

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

12 6. Respondent failed to file a Notice of Defense within 15 days after service upon her of
13 the Accusation, and therefore waived her right to a hearing on the merits of Accusation No. 3545.

14 7. California Government Code section 11520 states, in pertinent part:

15 (a) If the respondent either fails to file a notice of defense or to appear at the
16 hearing, the agency may take action based upon the respondent's express admissions
17 or upon other evidence and affidavits may be used as evidence without any notice to
18 respondent.

19 8. Pursuant to its authority under Government Code section 11520, the Board finds
20 Respondent is in default. The Board will take action without further hearing and, based on the
21 evidence on file herein, finds that the allegations in Accusation No. 3545 are true.

22 9. The total cost for investigation and enforcement in connection with the Accusation
23 are \$2,702.00 as of July 8, 2010.

24 DETERMINATION OF ISSUES

25 1. Based on the foregoing findings of fact, Respondent Christina Marie Godinez has
26 subjected her Pharmacy Technician Registration No. TCH 86747 to discipline.

27 2. A copy of the Accusation is attached.

28 3. The agency has jurisdiction to adjudicate this case by default.

4. The Board of Pharmacy is authorized to revoke Respondent's Pharmacy Technician
Registration based upon the following violations alleged in the Accusation:

1 a. Respondent is subject to disciplinary action under sections 4301(l) and 490 of the
2 code in that respondent was convicted of a crime that is substantially related to the duties,
3 functions, or qualifications of pharmacy technician.

4 b. Respondent is subject to disciplinary action under section 4301(f) of the code in that
5 Respondent committed acts of moral turpitude, dishonesty, and/or deceit.

6 c. Respondent is subject to disciplinary action under sections 4301(l) and 490 of the
7 code in that respondent was convicted of a second crime that is substantially related to the duties,
8 functions, or qualifications of pharmacy technician.

9 d. Respondent is subject to disciplinary action under section 4301 (f) of the code in that
10 Respondent committed additional acts of moral turpitude, dishonesty, and/or deceit.

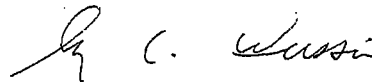
11 ORDER

12 IT IS SO ORDERED that Pharmacy Technician Registration No. TCH 86747, heretofore
13 issued to Respondent Christina Marie Godinez, is revoked.

14 Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a
15 written motion requesting that the Decision be vacated and stating the grounds relied on within
16 seven (7) days after service of the Decision on Respondent. The agency in its discretion may
17 vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

18 This Decision shall become effective on October 27, 2010.

19 It is so ORDERED September 27, 2010.



20
21 STANLEY C. WEISSER, BOARD PRESIDENT
22 FOR THE BOARD OF PHARMACY
23 DEPARTMENT OF CONSUMER AFFAIRS

24 20305947.DOC
25 DOJ docket number: SF2010400078

26 Attachment:

27 Exhibit A: Accusation No.3545
28

Exhibit A
Accusation No. 3545

1 EDMUND G. BROWN JR.
Attorney General of California
2 FRANK H. PACOE
Supervising Deputy Attorney General
3 JUSTIN R. SURBER
Deputy Attorney General
4 State Bar No. 226937
455 Golden Gate Avenue, Suite 11000
5 San Francisco, CA 94102-7004
Telephone: (415) 355-5437
6 Facsimile: (415) 703-5480
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. 3545

11 **CHRISTINA MARIE GODINEZ**
12 611 Walnut Lane
Hollister, CA 95023
13 **Pharmacy Technician Registration No. TCH**
86747

A C C U S A T I O N

14 Respondent.
15

16
17 Complainant alleges:

18 **PARTIES**

19 1. Virginia Herold (Complainant) brings this Accusation solely in her official capacity
20 as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs.

21 2. On or about October 3, 2008, the Board of Pharmacy issued Pharmacy Technician
22 Registration Number TCH 86747 to Christina Marie Godinez (Respondent). The Pharmacy
23 Technician Registration will expire on March 31, 2012, unless renewed.

24 **JURISDICTION**

25 3. This Accusation is brought before the Board of Pharmacy (Board), Department of
26 Consumer Affairs, under the authority of the following laws. All section references are to the
27 Business and Professions Code unless otherwise indicated.
28

1 The circumstances are described in paragraph 12, above.

2 FIRST CAUSE FOR DISCIPLINE

3 (Unprofessional Conduct-Conviction)

4 14. Respondent is subject to disciplinary action under sections 4301(l) and 490 of the
5 code in that respondent was convicted of a crime that is substantially related to the duties,
6 functions, or qualifications of pharmacy technician. The circumstances are described in
7 paragraphs 10-11, above.

8 SECOND CAUSE FOR DISCIPLINE

9 (Unprofessional Conduct-Conviction)

10 15. Respondent is subject to disciplinary action under sections 4301(l) and 490 of the
11 code in that respondent was convicted of a crime that is substantially related to the duties,
12 functions, or qualifications of pharmacy technician. The circumstances are described in
13 paragraphs 12-13, above.

14 THIRD CAUSE FOR DISCIPLINE

15 (Unprofessional Conduct-Moral Turpitude, Dishonesty, Fraud, and/or Deceit)

16 16. Respondent is subject to disciplinary action under section 4301 (f) of the code in that
17 Respondent committed acts of moral turpitude, dishonesty, and/or deceit. The circumstances are
18 described in paragraph 10, above.

19 FOURTH CAUSE FOR DISCIPLINE

20 (Unprofessional Conduct-Moral Turpitude, Dishonesty, Fraud, and/or Deceit)

21 17. Respondent is subject to disciplinary action under section 4301 (f) of the code in that
22 Respondent committed acts of moral turpitude, dishonesty, and/or deceit. The circumstances are
23 described in paragraph 12, above.

24 PRAYER

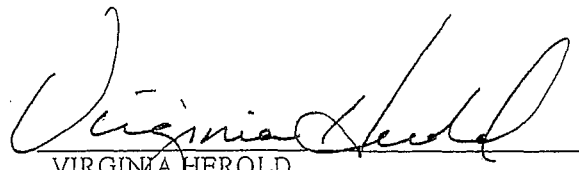
25 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
26 and that following the hearing, the Board of Pharmacy issue a decision:

27 1. Revoking or suspending Pharmacy Technician Registration Number TCH 86747,
28 issued to Christina Marie Godinez.

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2. Ordering Christina Marie Godinez to pay the Board of Pharmacy the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;

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

DATED: 6/3/10 

VIRGINIA HEROLD
Executive Officer
Board of Pharmacy
Department of Consumer Affairs
State of California
Complainant

SF2010400078
accusation.rtf