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

In the Matter of the Accusation Against:  
**TINA DENESE GEE**  
**3854 Bluff St.**  
**Perris, CA 92571**  
**Pharmacy Technician Registration No. 89989**  
Respondent.

Case No. 4386  
**DEFAULT DECISION AND ORDER**  
[Gov. Code, §11520]

**FINDINGS OF FACT**

1. On November 19, 2012, Complainant Virginia Herold, in her official capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs, filed Accusation No. 4386 against Tina Denese Gee (Respondent) before the Board of Pharmacy. (Accusation attached as Exhibit A.)

2. On April 13, 2009, the Board of Pharmacy (Board) issued Pharmacy Technician Registration No. 89989 to Respondent. The Pharmacy Technician Registration expired on July 31, 2012, and has not been renewed. This lapse in licensure, however, pursuant to Business and Professions Code sections 118, subdivision (b) and 4402, subdivision (d) does not deprive the Board of its authority to institute or continue this disciplinary proceeding or to render a decision invalidating the registration temporarily or permanently.

///

1           3.       On November 29, 2012, Respondent was served by Certified and First Class Mail  
2 copies of the Accusation No. 4386, Statement to Respondent, Notice of Defense, Request for  
3 Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6, and 11507.7)  
4 at Respondent's address of record which, pursuant to Business and Professions Code section  
5 4100, is required to be reported and maintained with the Board. Respondent's address of record  
6 was and is 3854 Bluff St., Perris, CA 92571.

7           4.       Service of the Accusation was effective as a matter of law under the provisions of  
8 Government Code section 11505, subdivision (c) and Business & Professions Code section 124.

9           5.       On January 8, 2013, the aforementioned documents sent by Certified Mail were  
10 returned by the U.S. Postal Service, marked "Unclaimed Returned to Sender." The address on  
11 the documents was the same as the address on file with the Board. Respondent has not claimed  
12 the documents and the Board has made attempts to serve the Respondent at her address on file  
13 with the Board. Respondent has not made herself available for service and therefore, has not  
14 availed herself of her right to file a notice of defense and appear at hearing.

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

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

21           7.       Respondent failed to file a Notice of Defense within 15 days after service upon  
22 her of the Accusation, and therefore waived her right to a hearing on the merits of Accusation  
23 No. 4386.

24           8.       California Government Code section 11520 states, in pertinent part:

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

          9.       Pursuant to its authority under Government Code section 11520, the Board finds  
Respondent is in default. The Board will take action without further hearing and, based on the  
relevant evidence contained in the Default Decision Evidence Packet in this matter, as well as

1 taking official notice of all the investigatory reports, exhibits and statements contained therein on  
2 file at the Board's offices regarding the allegations contained in Accusation No. 4386, finds that  
3 the charges and allegations in Accusation No. 4386, are separately and severally, found to be true  
4 and correct by clear and convincing evidence.

5 10. Taking official notice of its own internal records, pursuant to Business and  
6 Professions Code section 125.3, it is hereby determined that the reasonable costs for  
7 Investigation and Enforcement is \$2,212.00 as of January 11, 2013.

### 8 DETERMINATION OF ISSUES

9 1. Based on the foregoing findings of fact, Respondent Tina Denese Gee has  
10 subjected her Pharmacy Technician Registration No. 89989 to discipline.

11 2. The agency has jurisdiction to adjudicate this case by default.

12 3. The Board of Pharmacy is authorized to revoke Respondent's Pharmacy  
13 Technician Registration based upon the following violations alleged in the Accusation which are  
14 supported by the evidence contained in the Default Decision Evidence Packet in this case.:

15 a. Respondent has subjected her license to discipline under Code sections  
16 490 and 4301, subdivision (I) in that on October 18, 1989, in a criminal proceeding entitled *The*  
17 *People of the State of California v. Tina Denise Gee*, in Los Angeles County Municipal Court,  
18 Inglewood Judicial District Courthouse, case number 89M04643, Respondent was convicted of  
19 violating PC section 484, subdivision (a), theft, a misdemeanor substantially related to the  
20 qualifications, functions, and duties of a pharmacy technician.

21 b. Respondent has subjected her license to discipline under Code sections  
22 490 and 4301, subdivision (I) in that on September 9, 1997, in a criminal proceeding entitled *The*  
23 *People of the State of California v. Tina Denise Gee*, in Los Angeles County Municipal Court,  
24 Torrance Judicial District Courthouse, case number 7SB05064, Respondent was convicted on  
25 her plea of *nolo contendere* of violating PC section 487, subdivision (a), theft, a misdemeanor  
26 substantially related to the qualifications, functions, and duties of a pharmacy technician.

27 c. Respondent has subjected her license to discipline under Code sections  
28 490 and 4301, subdivision (I) in that on December 10, 2009, in a criminal proceeding entitled

1 *The People of the State of California vs. Tina Denise Gee, aka Tina Denise Ramsey*, in Los  
2 Angeles County Superior Court, Clara Shortridge Foltz Criminal Justice Center Courthouse,  
3 Case Number BA359713, Respondent was convicted on her plea of guilty to violating Penal  
4 Code (PC) sections 487, subdivision (a), grand theft of personal property, deemed a  
5 misdemeanor pursuant to PC section 17, subdivision (b), which is substantially related to the  
6 qualifications, functions, and duties of a pharmacy technician.

7 d. Respondent has subjected her license to discipline under Code section  
8 4301, subdivision (f), in that on June 7, 1989, and April 30, 1997, she committed theft. On or  
9 between December 1, 2000, and January 31, 2003, Respondent unlawfully took a total of  
10 \$46,258.00 in child care funds belonging to the County of Los Angeles. On October 2, 2002,  
11 Respondent misrepresented herself in a declaration signed under penalty of perjury, by  
12 knowingly signing a document that falsely represented herself as an employee when she was not.  
13 These acts of thievery and misrepresentation involve moral turpitude, dishonesty, fraud, deceit,  
14 and corruption, substantially related to the qualifications, functions, and duties of a pharmacy  
15 technician. Respondent was convicted for all three acts of theft she committed, as detailed in  
16 paragraphs 3a, 3b, and 3c, above.

17 e. Respondent has subjected her license to discipline under Code section  
18 4301, subdivision (f), in that on February 10, 2009, in her original application for Pharmacy  
19 Technician Registration, she denied to have ever been convicted of a violation of any law.  
20 However, Respondent was convicted of violation of PC section 484, subdivision (a) in 1989 and  
21 PC section 487, subdivision (a) in 1997, referenced in paragraphs 3a and 3b, above and provided  
22 no information about these convictions. On June 9, 2010, in her application for renewal of her  
23 Pharmacy Technician Registration, Respondent denied to have ever been convicted since she last  
24 renewed her license. However, Respondent was convicted of violation of PC section 487,  
25 subdivision (a), referenced in paragraph 3c, above after she was licensed as a pharmacy  
26 technician and did not disclose it. These false statements and acts of misrepresentation involve  
27 moral turpitude, dishonesty, fraud, deceit, and corruption, corruption, substantially related to the  
28 qualifications, functions, and duties of a pharmacy technician.

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**ORDER**

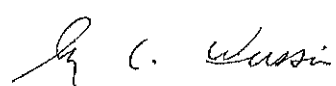
IT IS SO ORDERED that Pharmacy Technician Registration No. 89989, heretofore issued to Respondent Tina Denese Gee, is revoked.

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

This Decision shall become effective on April 17, 2013.

It is so ORDERED ON March 18, 2013.

BOARD OF PHARMACY  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

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

70667134.DOC  
DOJ Matter ID:SD2012703955

Attachment:  
Exhibit A: Accusation

# Exhibit A

Accusation

1 KAMALA D. HARRIS  
Attorney General of California  
2 ALFREDO TERRAZAS  
Senior Assistant Attorney General  
3 LINDA K. SCHNEIDER  
Supervising Deputy Attorney General  
4 State Bar No. 101336  
110 West "A" Street, Suite 1100  
5 San Diego, CA 92101  
P.O. Box 85266  
6 San Diego, CA 92186-5266  
Telephone: (619) 645-3037  
7 Facsimile: (619) 645-2061  
*Attorneys for Complainant*  
8

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

12 In the Matter of the Accusation Against:

Case No. 4386

13 **TINA DENESE GEE**  
14 **3854 Bluff St.**  
**Perris, CA 92571**

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

15 **Pharmacy Technician Registration No. 89989**

16 Respondent.  
17

18 Complainant alleges:

19 **PARTIES**

- 20 1. Virginia Herold (Complainant) brings this Accusation solely in her official  
21 capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs.  
22 2. On or about April 13, 2009, the Board of Pharmacy issued Pharmacy Technician  
23 Registration Number 89989 to Tina Denese Gee (Respondent). The Pharmacy Technician  
24 Registration expired on July 31, 2012, and has not been renewed.

25 **JURISDICTION**

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





1 9. Section 4301 of the Code states:

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

6 . . . .

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

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

12 . . . .

13 (l) The conviction of a crime substantially related to the qualifications,  
14 functions, and duties of a licensee under this chapter. The record of conviction of  
15 a violation of Chapter 13 (commencing with Section 801) of Title 21 of the  
16 United States Code regulating controlled substances or of a violation of the  
17 statutes of this state regulating controlled substances or dangerous drugs shall be  
18 conclusive evidence of unprofessional conduct. In all other cases, the record of  
19 conviction shall be conclusive evidence only of the fact that the conviction  
20 occurred. The board may inquire into the circumstances surrounding the  
21 commission of the crime, in order to fix the degree of discipline or, in the case of  
22 a conviction not involving controlled substances or dangerous drugs, to determine  
23 if the conviction is of an offense substantially related to the qualifications,  
24 functions, and duties of a licensee under this chapter. A plea or verdict of guilty or  
25 a conviction following a plea of nolo contendere is deemed to be a conviction  
26 within the meaning of this provision. The board may take action when the time  
27 for appeal has elapsed, or the judgment of conviction has been affirmed on appeal  
28 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.

. . . .

### REGULATORY PROVISIONS

10. California Code of Regulations, title 16, section 1769, states:

. . . .

(b) When considering the suspension or revocation of a facility or a  
personal license on the ground that the licensee or the registrant has been

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1 convicted of a crime, the board, in evaluating the rehabilitation of such person and  
2 his present eligibility for a license will consider the following criteria:

3 (1) Nature and severity of the act(s) or offense(s).

4 (2) Total criminal record.

5 (3) The time that has elapsed since commission of the act(s) or  
6 offense(s).

7 (4) Whether the licensee has complied with all terms of parole,  
8 probation, restitution or any other sanctions lawfully imposed against the licensee.

9 (5) Evidence, if any, of rehabilitation submitted by the licensee.

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

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

#### 18 **COST RECOVERY**

19 12. Section 125.3 of the Code states, in pertinent part, that the Board may request the  
20 administrative law judge to direct a licentiate found to have committed a violation or violations  
21 of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
22 enforcement of the case.

#### 23 **FIRST CAUSE FOR DISCIPLINE**

24 **(October 18, 1989 Criminal Conviction for Theft On or About June 7, 1989)**

25 13. Respondent has subjected her license to discipline under Code sections 490 and  
26 4301, subdivision (l) in that she was convicted of a crime that is substantially related to the  
27 qualifications, functions, and duties of a pharmacy technician. The circumstances are as follows:

28 a. On or about October 18, 1989, in a criminal proceeding entitled *The*  
*People of the State of California v. Tina Denise Gee*, in Los Angeles County Municipal Court,  
Inglewood Judicial District Courthouse, case number 89M04643, Respondent was convicted of  
violating PC section 484, subdivision (a), theft, a misdemeanor.

///



1 County Superior Court, Clara Shortridge Foltz Criminal Justice Center Courthouse, Case  
2 Number A359713, Respondent was convicted on her plea of guilty to violating Penal Code (PC)  
3 sections 487, subdivision (a), grand theft of personal property, deemed a misdemeanor pursuant  
4 to PC section 17, subdivision (b). A charge for violation of PC section 118, subdivision (a),  
5 perjury by declaration, was dismissed pursuant to a plea bargain.

6 b. As a result of the conviction, on or about January 12, 2011, Respondent  
7 was sentenced to 24 months summary probation and ordered to perform 200 hours of community  
8 service. Respondent was also ordered to make restitution of \$46,258.00 and pay fines and  
9 assessments.

10 c. The facts that led to the conviction are that on or between December 1,  
11 2000 and January 31, 2003, Respondent unlawfully took a total of \$46,258.00 in child care funds  
12 belonging to the County of Los Angeles and Crystal Stairs, Inc. On or about October 2, 2002,  
13 Respondent misrepresented herself as an employee of Coast Nursing Services in a declaration  
14 she signed under penalty of perjury when she was not an employee. On or about January 3, 2008,  
15 the Department of Public Social Services of the County of Los Angeles discovered Respondent's  
16 misrepresentation and referred the matters for fraud investigation.

17 **FOURTH CAUSE FOR DISCIPLINE**

18 **(Unprofessional Conduct - Commission of Any Act Involving Moral Turpitude, Dishonesty,  
19 Fraud, Deceit, or Corruption)**

20 16. Respondent has subjected her license to discipline under Code section 4301,  
21 subdivision (f), in that she committed acts involving moral turpitude, dishonesty, fraud, deceit,  
22 and corruption, and subdivision (g), in that she knowingly made and signed documents that  
23 falsely represented the existence or nonexistence of a state of facts. The circumstances are as  
24 follows:

25 a. On or about June 7, 1989, Respondent committed theft, as detailed in  
26 paragraph 13, above.

27 b. On or about April 30, 1997, Respondent committed theft, as detailed in  
28 paragraph 14, above.

1 c. On or between December 1, 2000 and January 31, 2003, Respondent  
2 unlawfully took a total of \$46,258.00 in child care funds belonging to the County of Los Angeles  
3 and Crystal Stairs, Inc., which involved acts that are dishonest, fraudulent, deceitful, and corrupt,  
4 as detailed in paragraph 15, above.

5 d. On October 2, 2002, Respondent misrepresented herself in a declaration  
6 signed under penalty of perjury, by knowingly signing the document that falsely represented that  
7 she was an employee of Coast Nursing Service when she was not, as detailed in paragraph 15,  
8 above.

9 e. On or about February 10, 2009, Respondent completed her original  
10 Application for Pharmacy Technician Registration to become registered by the Board as a  
11 pharmacy technician. As part of the application, she answered the required Declaration of  
12 Conviction question and signed the corresponding affidavit under penalty of perjury, indicating  
13 that all information provided was true and correct. The Declaration of Conviction asked, "Have  
14 you ever been convicted of or pled no contest to a violation of any law of a foreign country, the  
15 United States or any state laws or local ordinances? You must include all misdemeanors and  
16 felony convictions, regardless of the age of the conviction, including those which have been set  
17 aside under Penal Code section 1203.4." Respondent answered, "No." Question 6 continued, "If  
18 'yes' attach an explanation including the type of violation, the date, circumstances, location and  
19 the complete penalty received." Question 6 then requested that certified copies of all pertinent  
20 documents or arrest reports relating to the convictions be provided. In answer to item 6,  
21 Respondent checked the box "No." However, Respondent was convicted of violation of PC  
22 section 484, subdivision (a) in 1989 and PC section 487, subdivision (a) in 1997, referenced in  
23 paragraphs 13 and 14, above and provided no information about these convictions. Respondent  
24 failed to disclose these convictions, leading the Board to believe that she did not have any  
25 convictions prior to issuance of her original registration.

26 f. On or about June 9, 2010, Respondent completed her Application for  
27 renewal of her Pharmacy Technician Registration. As part of the renewal application, she  
28 answered the required Declaration of Conviction question and signed the corresponding affidavit

1 under penalty of perjury, indicating that all information provided was true and correct. The  
2 Declaration of Conviction found in the Application asked, "Since you last renewed your license,  
3 have you had any license disciplined by a government agency or other disciplinary body, or,  
4 have you been convicted of any crime in any state, the USA and its territories, military court or a  
5 foreign country? PLEASE READ INSTRUCTIONS BEFORE ANSWERING." Respondent  
6 answered, "No." However, Respondent was convicted of violation of PC section 487,  
7 subdivision (a), referenced in paragraph 15, above after she was licensed as a pharmacy  
8 technician and did not disclose it, leading the Board to believe that she did not have any  
9 convictions after issuance of her original registration causing the Board to renew her license.

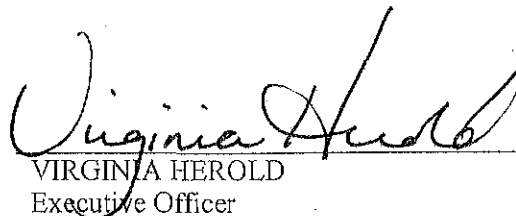
10 **PRAYER**

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

- 13 1. Revoking or suspending Pharmacy Technician Registration Number 89989,  
14 issued to Tina Denese Gee;
- 15 2. Ordering Tina Denese Gee to pay the Board of Pharmacy the reasonable costs of  
16 the investigation and enforcement of this case, pursuant to Business and Professions Code  
17 section 125.3;
- 18 3. Taking such other and further action as deemed necessary and proper.

19  
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21  
22 DATED: \_\_\_\_\_

11/19/12



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

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