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

In the Matter of the Accusation Against:
AMBER B. EDWARDS
4818 Stancroft Ave.
Baldwin Park, CA 91706
Pharmacy Technician Registration No. TCH
112583
Respondent.

Case No. 4387

DEFAULT DECISION AND ORDER

[Gov. Code, §11520]

FINDINGS OF FACT

1. On or about July 22, 2013, Complainant Virginia K. Herold, in her official capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs, filed Accusation No. 4387 against Amber B. Edwards (Respondent) before the Board of Pharmacy. (Accusation attached as Exhibit A.)

2. On or about April 26, 2011, the Board of Pharmacy (Board) issued Pharmacy Technician Registration No. TCH 112583 to Respondent. The Pharmacy Technician Registration was in full force and effect at all times relevant to the charges brought in Accusation No. 4387 and will expire on June 30, 2014, unless renewed.

1 3. On or about August 5, 2013, Respondent was served by Certified and First Class Mail
2 copies of the Accusation No. 4387, Statement to Respondent, Notice of Defense, Request for
3 Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6, and 11507.7) at
4 Respondent's address of record which, pursuant to Business and Professions Code section 4100,
5 is required to be reported and maintained with the Board. Respondent's address of record was
6 and is:

7 4818 Stancroft Ave.
8 Baldwin Park, CA 91706

9 4. Service of the Accusation was effective as a matter of law under the provisions of
10 Government Code section 11505, subdivision (c) and/or Business & Professions Code section
11 124.

12 5. As of September 16, 2013, neither of the mailings referenced in paragraph 3 have
13 been returned to the Board as undeliverable due to an outdated address of record.

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

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

20 7. Respondent failed to file a Notice of Defense within 15 days after service upon her of
21 the Accusation, and therefore waived her right to a hearing on the merits of Accusation No. 4387.

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

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

27 9. Pursuant to its authority under Government Code section 11520, the Board finds
28 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
taking official notice of all the investigatory reports, exhibits and statements contained therein on
file at the Board's offices regarding the allegations contained in Accusation No. 4387, finds that

1 the charges and allegations in Accusation No. 4387, are separately and severally, found to be true
2 and correct by clear and convincing evidence.

3 10. Taking official notice of its own internal records, pursuant to Business and
4 Professions Code section 125.3, it is hereby determined that the reasonable costs for Investigation
5 and Enforcement is \$1,277.50 as of September 16, 2013.

6 **DETERMINATION OF ISSUES**

7 1. Based on the foregoing findings of fact, Respondent Amber B. Edwards has subjected
8 her Pharmacy Technician Registration No. TCH 112583 to discipline.

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

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

13 a. Respondent is subject to disciplinary action under section 490 and section 4301,
14 subdivision (l) of the Code in conjunction with California Code of Regulations, title 16, section
15 1770 in that Respondent was convicted of a crime substantially related to the qualifications,
16 functions and duties of a pharmacy technician. Specifically, on or about April 17, 2012,
17 Respondent pled nolo contendere to and was convicted of one misdemeanor count of violating
18 Vehicle Code section 10851(a) [taking a vehicle without consent] and one misdemeanor count of
19 violating Vehicle Code section 14601.1(a) [driving while license is suspended or revoked] in the
20 criminal proceeding entitled *The People of the State of California v. Amber Beverly Edwards*
21 (Super. Ct. of California, County of Los Angeles, 2012, No. 2JB03106). The Court ordered
22 Respondent to serve 30 days in Los Angeles County Jail and placed her on 3 years probation,
23 with terms and conditions. The circumstances surrounding the conviction are that on or about
24 April 15, 2012, County of Los Angeles Sheriff's Department Deputies ("Deputies") conducted a
25 traffic stop on a vehicle driven by Respondent. Deputies observed Respondent remove an
26 unknown object from the steering wheel and toss that object towards the front passenger area.
27 Respondent admitted to Deputies that her driver's license was suspended and that she had no
28 form of identification. Deputies observed the vehicle stereo and ignition missing. Deputies also

1 observed a shaved vehicle key and a modified screwdriver in the vehicle. Deputies ran the
2 vehicle identification number in the stolen vehicle database and discovered that the vehicle was
3 reported stolen on April 9, 2012.

4 b. Respondent is subject to disciplinary action under section 4301, subdivision (f) of the
5 Code in that Respondent committed an act involving dishonesty when she drove a stolen vehicle.
6 Respondent was subsequently convicted of one misdemeanor count of violating Vehicle Code
7 section 10851(a) [taking a vehicle without consent].

8 c. Respondent is subject to disciplinary action under section 4301, subdivision (f) of the
9 Code in that Respondent committed an act involving dishonesty when she failed to disclose her
10 April 17, 2012, conviction on her June 15, 2012, Request for Renewal of California Pharmacy
11 Technician Registration.

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ORDER

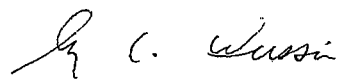
IT IS SO ORDERED that Pharmacy Technician Registration No. TCH 112583, heretofore issued to Respondent Amber B. Edwards, is revoked.

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 November 22, 2013.

It is so ORDERED ON October 23, 2013.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA



By _____
STAN C. WEISSER
Board President

51366821.DOC
DOJ Matter ID:LA2012507543

Attachment:
Exhibit A: Accusation

1 KAMALA D. HARRIS
Attorney General of California
2 GREGORY J. SALUTE
Supervising Deputy Attorney General
3 KATHERINE MESSANA
Deputy Attorney General
4 State Bar No. 272953
300 So. Spring Street, Suite 1702
5 Los Angeles, CA 90013
Telephone: (213) 897-2554
6 Facsimile: (213) 897-2804

7 *Attorneys for Complainant*

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

11 In the Matter of the Accusation Against:
12 **AMBER B. EDWARDS**
13 4818 Stancroft Ave.
14 Baldwin Park, CA 91706
15 Pharmacy Technician Registration No. TCH
112583
16 Respondent.

Case No. 4387

A C C U S A T I O N

18 Complainant alleges:

19 **PARTIES**

- 20 1. Virginia Herold ("Complainant") brings this Accusation solely in her official capacity
21 as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs.
22 2. On or about April 26, 2011, the Board of Pharmacy issued Pharmacy Technician
23 Registration Number TCH 112583 to Amber B. Edwards ("Respondent"). The Pharmacy
24 Technician Registration was in full force and effect at all times relevant to the charges brought
25 herein and will expire on June 30, 2014, unless renewed.

26 **JURISDICTION AND STATUTORY PROVISIONS**

- 27 3. This Accusation is brought before the Board of Pharmacy ("Board"), Department of
28 Consumer Affairs, under the authority of the following laws. All section references are to the

1 Business and Professions Code ("Code") unless otherwise indicated.

2 4. Section 4300 of the Code provides, in pertinent part, that every license issued by the
3 Board is subject to discipline, including suspension or revocation.

4 5. Section 4300.1 of the Code provides:

5 "The expiration, cancellation, forfeiture, or suspension of a board-issued
6 license by operation of law or by order or decision of the board or a court of law, the
7 placement of a license on a retired status, or the voluntary surrender of a license by a
8 licensee shall not deprive the board of jurisdiction to commence or proceed with any
9 investigation of, or action or disciplinary proceeding against, the licensee or to render
10 a decision suspending or revoking the license."

11 6. Section 118, subdivision (b), of the Code provides that the suspension, expiration,
12 surrender or cancellation of a license shall not deprive the Board of jurisdiction to proceed with a
13 disciplinary action during the period within which the license may be renewed, restored, reissued
14 or reinstated.

15 7. Section 490 of the Code states, in pertinent part:

16 "(a) In addition to any other action that a board is permitted to take
17 against a licensee, a board may suspend or revoke a license on the ground that the
18 licensee has been convicted of a crime, if the crime is substantially related to the
19 qualifications, functions, or duties of the business or profession for which the license
20 was issued.

21 (b) Notwithstanding any other provision of law, a board may exercise any
22 authority to discipline a licensee for conviction of a crime that is independent of the
23 authority granted under subdivision (a) only if the crime is substantially related to the
24 qualifications, functions, or duties of the business or profession for which the
25 licensee's license was issued.

26 (c) A conviction within the meaning of this section means a plea or
27 verdict of guilty or a conviction following a plea of nolo contendere. Any action that
28 a board is permitted to take following the establishment of a conviction may be taken
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 the provisions of
Section 1203.4 of the Penal Code."

8. 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,

1 fraud, deceit, or corruption, whether the act is committed in the course of relations as
2 a licensee or otherwise, and whether the act is a felony or misdemeanor or not.

3 ...

4 (I) The conviction of a crime substantially related to the qualifications,
5 functions, and duties of a licensee under this chapter. The record of conviction of a
6 violation of Chapter 13 (commencing with Section 801) of Title 21 of the United
7 States Code regulating controlled substances or of a violation of the statutes of this
8 state regulating controlled substances or dangerous drugs shall be conclusive
9 evidence of unprofessional conduct. In all other cases, the record of conviction shall
10 be conclusive evidence only of the fact that the conviction occurred. The board may
11 inquire into the circumstances surrounding the commission of the crime, in order to
12 fix the degree of discipline or, in the case of a conviction not involving controlled
13 substances or dangerous drugs, to determine if the conviction is of an offense
14 substantially related to the qualifications, functions, and duties of a licensee under this
15 chapter. A plea or verdict of guilty or a conviction following a plea of nolo
16 contendere is deemed to be a conviction within the meaning of this provision. The
17 board may take action when the time for appeal has elapsed, or the judgment of
18 conviction has been affirmed on appeal or when an order granting probation is made
19 suspending the imposition of sentence, irrespective of a subsequent order under
20 Section 1203.4 of the Penal Code allowing the person to withdraw his or her plea of
21 guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or
22 dismissing the accusation, information, or indictment."

23 **REGULATORY PROVISIONS**

24 9. California Code of Regulations, title 16, section 1770, states:

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

29 **COST RECOVERY**

30 10. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
31 administrative law judge to direct a licentiate found to have committed a violation or violations of
32 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
33 enforcement of the case, with failure of the licentiate to comply subjecting the license to not being
34 renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be
35 included in a stipulated settlement.

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1 **FIRST CAUSE FOR DISCIPLINE**

2 **(Conviction of Substantially Related Crime)**

3 11. Respondent is subject to disciplinary action under section 490 and section 4301,
4 subdivision (l) of the Code in conjunction with California Code of Regulations, title 16, section
5 1770 in that Respondent was convicted of a crime substantially related to the qualifications,
6 functions and duties of a pharmacy technician, as follows:

7 12. On or about April 17, 2012, Respondent pled nolo contendere to and was convicted of
8 one misdemeanor count of violating Vehicle Code section 10851(a) [taking a vehicle without
9 consent] and one misdemeanor count of violating Vehicle Code section 14601.1(a) [driving while
10 license is suspended or revoked] in the criminal proceeding entitled *The People of the State of*
11 *California v. Amber Beverly Edwards* (Super. Ct. of California, County of Los Angeles, 2012,
12 No. 2JB03106). The Court ordered Respondent to serve 30 days in Los Angeles County Jail and
13 placed her on 3 years probation, with terms and conditions. The circumstances surrounding the
14 conviction are, as follows:

15 13. On or about April 15, 2012, County of Los Angeles Sheriff's Department Deputies
16 ("Deputies") conducted a traffic stop on a vehicle driven by Respondent. Deputies observed
17 Respondent remove an unknown object from the steering wheel and toss that object towards the
18 front passenger area. Respondent admitted to Deputies that her driver's license was suspended
19 and that she had no form of identification. Deputies observed the vehicle stereo and ignition
20 missing. Deputies also observed a shaved vehicle key and a modified screwdriver in the vehicle.
21 Deputies ran the vehicle identification number in the stolen vehicle database and discovered that
22 the vehicle was reported stolen on April 9, 2012.

23 **SECOND CAUSE FOR DISCIPLINE**

24 **(Act Involving Dishonesty)**

25 14. Respondent is subject to disciplinary action under section 4301, subdivision (f) of the
26 Code in that Respondent committed an act involving dishonesty when she drove a stolen vehicle.
27 Respondent was subsequently convicted of one misdemeanor count of violating Vehicle Code
28 section 10851(a) [taking a vehicle without consent]. The criminal conviction and dishonest act

1 are described in more particularity in paragraphs 12 and 13 above, inclusive and hereby
2 incorporated by reference.

3 15. Respondent is subject to disciplinary action under section 4301, subdivision (f) of the
4 Code in that Respondent committed an act involving dishonesty when she failed to disclose her
5 April 17, 2012, conviction on her June 15, 2012, Request for Renewal of California Pharmacy
6 Technician Registration. The criminal conviction is described in more particularity in paragraph
7 12 above, inclusive and hereby incorporated by reference.

8 **PRAYER**

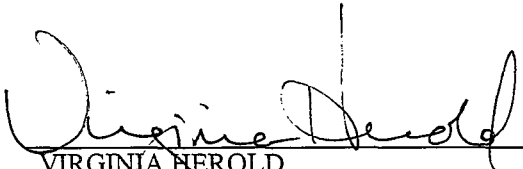
9 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
10 and that following the hearing, the Board of Pharmacy issue a decision:

11 1. Revoking or suspending Pharmacy Technician Registration Number TCH 112583,
12 issued to Amber B. Edwards;

13 2. Ordering Amber B. Edwards to pay the Board of Pharmacy the reasonable costs of
14 the investigation and enforcement of this case, pursuant to Business and Professions Code section
15 125.3;

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

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20 DATED: 7/22/13


21 VIRGINIA HEROLD
22 Executive Officer
23 Board of Pharmacy
24 Department of Consumer Affairs
25 State of California
26 Complainant

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