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

12 In the Matter of the Accusation Against:

Case No. 4560

13 **TILLIE HANVEY, aka TILLIE MERAZ**
14 **aka OTILLIA MERAZ, aka OTILIA**
15 **HANVEY**

16 **636 Egan Avenue**
17 **Beaumont, CA 92223**

DEFAULT DECISION AND ORDER

18 **Pharmacy Technician Registration No. TCH**
19 **8411**

[Gov. Code, §11520]

20 Respondent.

21 **FINDINGS OF FACT**

22 1. On or about June 16, 2014, Complainant Virginia K. Herold, in her official capacity
23 as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs, filed
24 Accusation No. 4560 against Tillie Hanvey, aka Tillie Meraz, aka Otillia Meraz, aka Otilia
25 Hanvey (Respondent) before the Board of Pharmacy. (Accusation attached as Exhibit A.)

26 2. On or about July 12, 1993, the Board of Pharmacy (Board) issued Pharmacy
27 Technician Registration No. TCH 8411 to Respondent. The Pharmacy Technician Registration
28 was in full force and effect at all times relevant to the charges brought in Accusation No. 4560
and will expire on August 31, 2016, unless renewed.

1 3. On or about July 1, 2014, Respondent was served by Certified and First Class Mail
2 copies of the Accusation No. 4560, 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:

7 636 Egan Avenue
8 Beaumont, CA 92223.

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. On or about July 30, 2014, the aforementioned documents were returned by the U.S.
13 Postal Service marked "Unclaimed."

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. 4560.

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. 4560, finds that

1 the charges and allegations in Accusation No. 4560, 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 \$3,112.50 as of April 28, 2015.

6 DETERMINATION OF ISSUES

7 1. Based on the foregoing findings of fact, Respondent Tillie Hanvey, aka Tillie Meraz,
8 aka Otilia Meraz, aka Otilia Hanvey has subjected her Pharmacy Technician Registration No.
9 TCH 8411 to discipline.

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

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

14 a. Convictions of Substantially Related Crimes, pursuant to Business and Professions
15 Code sections 490, 4300 and 4301, subdivision (l), and California Code of Regulations, title 16,
16 section 1770.

17 b. Unprofessional Conduct, Acts Involving Moral Turpitude/Dishonesty, pursuant to
18 Business and Professions Code sections 4300 and 4301, subdivision (f)

19 ORDER

20 IT IS SO ORDERED that Pharmacy Technician Registration No. TCH 8411, heretofore
21 issued to Respondent Tillie Hanvey, aka Tillie Meraz, aka Otilia Meraz, aka Otilia Hanvey is
22 revoked.

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

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This Decision shall become effective on July 10, 2015.

It is so ORDERED June 10, 2015.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA



By

AMARYLIS GUTIERREZ
Board President

51765010.DOC
DOJ Matter ID: LA2013508828

Attachment:
Exhibit A: Accusation

Exhibit A

Accusation

1 KAMALA D. HARRIS
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2 LINDA L. SUN
Supervising Deputy Attorney General
3 MICHAEL A. CACCIOTI
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5 Los Angeles, CA 90013
Telephone: (213) 897-2932
6 Facsimile: (213) 897-2804

7 *Attorneys for Complainant*

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

11 In the Matter of the Accusation Against:

Case No. 4560

12 **TILLIE HANVEY, aka TILLIE MERAZ,**
13 **aka OTILLIA MERAZ, aka OTILIA**
HANVEY

14 636 Egan Avenue
Beaumont, CA 92223

15 Pharmacy Technician Registration No.
16 TCH 8411

17 Respondent.

ACCUSATION

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 (Board).

23 2. On or about July 12, 1993, the Board issued Pharmacy Technician Registration
24 Number TCH 8411 to Tillie Hanvey, aka Tillie Meraz, aka Otillia Meraz, aka Otilia Hanvey
25 (Respondent). The Pharmacy Technician Registration was in full force and effect at all times
26 relevant to the charges brought herein and will expire on August 31, 2014, unless renewed.

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1 This section shall not be construed to apply to any drug diversion program operated by any
2 agency established under Division 2 (commencing with Section 500) of this code, or any
3 initiative act referred to in that division."

4 6. Section 4300, subdivision (a), states that "[e]very license issued may be suspended or
5 revoked."

6 7. Section 4300.1 of the Code states:

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

12 8. Section 4301 states, in pertinent part:

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

16

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

20

21 (h) The administering to oneself, of any controlled substance, or the use of any dangerous
22 drug or of alcoholic beverages to the extent or in a manner as to be dangerous or injurious to
23 oneself, to a person holding a license under this chapter, or to any other person or to the public, or
24 to the extent that the use impairs the ability of the person to conduct with safety to the public the
25 practice authorized by the license.

26

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

1 (k) The conviction of more than one misdemeanor or any felony involving the use,
2 consumption, or self-administration of any dangerous drug or alcoholic beverage, or any
3 combination of those substances.

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

21
22 (o) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the
23 violation of or conspiring to violate any provision or term of this chapter or of the applicable
24 federal and state laws and regulations governing pharmacy, including regulations established by
25 the board or by any other state or federal regulatory agency."

26 REGULATORY PROVISION

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

28 "For the purpose of denial, suspension, or revocation of a personal or facility license

1 pursuant to Division 1.5 (commencing with Section 475) of the Business and Professions Code, a
2 crime or act shall be considered substantially related to the qualifications, functions or duties of a
3 licensee or registrant if to a substantial degree it evidences present or potential unfitness of a
4 licensee or registrant to perform the functions authorized by his license or registration in a manner
5 consistent with the public health, safety, or welfare.”

6 COST RECOVERY

7 10. Section 125.3 states, in pertinent part, that the Board may request the administrative
8 law judge to direct a licensee found to have committed a violation or violations of the licensing
9 act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the
10 case.

11 FIRST CAUSE FOR DISCIPLINE

12 (Convictions of Substantially-Related Crimes)

13 11. Respondent is subject to disciplinary action under sections 490, 4300, and 4301,
14 subdivision (l), in conjunction with California Code of Regulations, title 16, section 1770, on the
15 grounds of unprofessional conduct, in that Respondent was convicted of a crime substantially
16 related to the qualifications, functions, or duties of a registered pharmacy technician which to a
17 substantial degree evidence her present or potential unfitness to perform the functions authorized
18 by her registration in a manner consistent with the public health, safety, or welfare, as follows:

19 a. On or about February 01, 2012, after pleading *guilty*, Respondent was convicted of
20 one misdemeanor count of violating Penal Code section 503 [embezzlement], in the criminal
21 proceeding entitled *The People of the State of California v. Otilia Harvey, aka Tillie Harvey, aka*
22 *Tillie Meraz, aka Otilia Meraz* (Super. Ct. Riverside County, 2011, No. BAM1200006). The
23 court sentenced Respondent to serve 5 days in jail, placed her on probation with terms and
24 conditions for a period of 36 months and fined her. The circumstances surrounding the
25 conviction are that on or about November 29, 2011, a Beaumont Police Department Officer was
26 dispatched to a Wal-Mart Supercenter department store, in the city of Beaumont, California,
27 regarding an embezzlement, by an employee working as a pharmacy technician in their pharmacy
28 department from the period of approximately August 12, 2011 through October 04, 2011. The

1 employee was later identified as the Respondent, who was observed in the store surveillance
2 camera, taking cash from customers and placing it in her sweater pocket instead of the cash
3 register. The Respondent admitted to Wal-Mart's two Asset Protection Coordinators that she had
4 stolen money from Wal-Mart on five different occasions. The Respondent made a written
5 statement and was subsequently convicted of Penal Code section 503.

6 b. On or about May 05, 2009, after pleading *guilty*, Respondent was convicted of one
7 misdemeanor count of violating Vehicle Code section 23152, subdivision (a) [driving a vehicle
8 while under the influence of an alcoholic beverage and / or drugs]; and one misdemeanor count of
9 violating Vehicle Code section 23152, subdivision (b) [driving a vehicle while having 0.08% and
10 more by weight of alcohol in her blood], in the criminal proceeding entitled *The People of the*
11 *State of California v. Otilia Hanvey, aka Tillie Hanvey, aka Tillie Meraz, aka Otilia Meraz*
12 (Super. Ct. Riverside County, 2009, No. BAM038125). The court sentenced Respondent to serve
13 15 days in jail, placed her on probation with terms and conditions for a period of 36 months and
14 fined her. The circumstances surrounding the conviction are that on or about February 25, 2009,
15 a Banning California Highway Patrol Officer was dispatched to investigate a traffic collision.
16 The officer arrived at the scene and observed the Respondent sitting in the driver's seat with her
17 seat belt trapped in her vehicle. The officer made contact with Respondent and detected an odor
18 of an alcoholic beverage emitting from Respondent's breath and person. The officer also
19 observed Respondent to have slow, slurred speech. The officer conducted a limited field sobriety
20 test, and determined that the Respondent was driving a vehicle while under the influence of an
21 alcoholic beverage. The Respondent during her booking, agreed to a blood test with a result of
22 0.08% and more by weight of alcohol in her blood.

23 SECOND CAUSE FOR DISCIPLINE

24 (Convictions Involving Use of Alcohol and / or Drugs)

25 12. Respondent is subject to disciplinary action under sections 490 and 4301, subdivision
26 (k), on the grounds of unprofessional conduct, in that Respondent was convicted of a crime that
27 involved the use of alcohol and / or drugs. Complainant refers to, and by this reference
28 incorporates, the allegations set forth above in paragraph 11, subparagraph (b), inclusive, as

1 though set forth fully herein.

2 **THIRD CAUSE FOR DISCIPLINE**

3 **(Dangerous Use of Alcohol and / or Drugs)**

4 13. Respondent is subject to disciplinary action under sections 4300 and 4301,
5 subdivision (h), on the grounds of unprofessional conduct, in that Respondent did use alcohol and
6 / or drugs in a dangerous manner. Complainant refers to, and by this reference incorporates, the
7 allegations set forth above in paragraph 11, subparagraph (b), inclusive, as though set forth fully
8 herein.

9 **FOURTH CAUSE FOR DISCIPLINE**

10 **(Acts Involving Dishonesty)**

11 14. Respondent is subject to disciplinary action under sections 4300 and 4301,
12 subdivision (f), on the grounds of unprofessional conduct, in that Respondent committed an act
13 that involved moral turpitude, dishonesty, fraud, deceit, and / or corruption. Complainant refers
14 to, and by this reference incorporates, the allegations set forth above in paragraph 11,
15 subparagraph (a), inclusive, as though set forth fully herein.

16 **FIFTH CAUSE FOR DISCIPLINE**

17 **(Violation of Pharmacy Act Statutes and Regulations)**

18 15. Respondent is subject to disciplinary action under section 4301, subdivisions (j) and
19 (o), on the grounds of unprofessional conduct, in that Respondent committed acts that violated the
20 Pharmacy Law and regulations relating thereto. Complainant refers to, and by this reference
21 incorporates, the allegations set forth above in paragraphs 11 through 14, inclusive, as though set
22 forth fully herein.

23 **PRAYER**

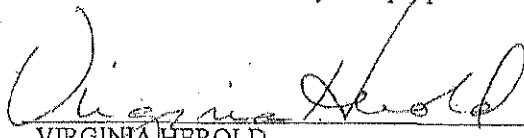
24 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
25 and that following the hearing, the Board issue a decision:

- 26 1. Revoking or suspending Pharmacy Technician Registration No. TCH 8411, issued to
27 Tillie Hanvey, aka Tillie Meraz, aka Otillia Meraz, aka Otillia Hanvey;
28 2. Ordering Tillie Hanvey, aka Tillie Meraz, aka Otillia Meraz, aka Otillia Hanvey to pay

1 the Board the reasonable costs of the investigation and enforcement of this case, pursuant to
2 Business and Professions Code section 125.3; and

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

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5 DATED: 6/16/14


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

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