

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

In the Matter of the Accusation Against:

Case No. 4777

BRITTANY NICOLE ANTOGNAZZI

13320 Avenida La Vista
Desert Hot Springs, CA 92240

Pharmacy Technician License No.
TCH 83750

Respondent.

DECISION AND ORDER

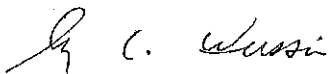
The attached Stipulated Settlement and Disciplinary Order for Public Repeval is hereby adopted by the Board of Pharmacy, Department of Consumer Affairs, as its Decision in this matter.

This decision shall become effective on July 11, 2014.

It is so ORDERED on July 8, 2014.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

By



STAN C. WEISSER
Board President

1 KAMALA D. HARRIS
Attorney General of California
2 FRANK H. PACOE
Supervising Deputy Attorney General
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Attorneys for Complainant

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

10 In the Matter of the Accusation Against:

Case No. 4777

11 **BRITTANY NICOLE ANTOGNAZZI**
12 **13320 Avenida La Vista**
13 **Desert Hot Springs, CA 92240**

STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER FOR PUBLIC
REPROVAL

14 **Pharmacy Technician License No. TCH 83750**

[Bus. & Prof. Code § 495]

15 Respondent.

16 In the interest of a prompt and speedy settlement of this matter, consistent with the public
17 interest and the responsibilities of the Board of Pharmacy of the Department of Consumer Affairs
18 the parties hereby agree to the following Stipulated Settlement and Disciplinary Order for Public
19 Reproval to be submitted to the Board for approval as the final disposition of the Accusation.

20 **PARTIES**

21 1. Virginia Herold (Complainant), Executive Officer, Board of Pharmacy, brought this
22 action solely in her official capacity and is represented herein by Kamala D. Harris, Attorney
23 General of the State of California, by Joshua A. Room, Supervising Deputy Attorney General.

24 2. Brittany Nicole Antognazzi (Respondent) is representing herself in this proceeding
25 and has chosen not to exercise her right to be represented by counsel.

26 3. On or about May 20, 2009, the Board of Pharmacy issued Pharmacy Technician
27 License Number TCH 83750 to Respondent. The License was in full force and effect at all times
28 relevant to the charges in Accusation No. 4777 and will expire on June 30, 2014, unless renewed.

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CONTINGENCY

10. 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 may communicate directly with the Board regarding this stipulation and settlement, 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 Settlement and Disciplinary Order for Public Reapproval 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.

11. The parties understand and agree that Portable Document Format (PDF) and facsimile copies of this Stipulated Settlement and Disciplinary Order for Public Reapproval, including Portable Document Format (PDF) and facsimile signatures thereto, shall have the same force and effect as the originals.

12. This Stipulated Settlement and Disciplinary Order for Public Reapproval 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 Settlement and Disciplinary Order for Public Reapproval may not be altered, amended, modified, supplemented, or otherwise changed except by a writing executed by an authorized representative of each of the parties.

13. 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 Disciplinary Order:

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BRITTANY NICOLE ANTOGNAZZI

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1 ENDORSEMENT

2 The foregoing Stipulated Settlement and Disciplinary Order for Public Reprimand is hereby
3 respectfully submitted for consideration by the Board of Pharmacy of the Department of
4 Consumer Affairs.

5 Dated: 6/2/2014

Respectfully submitted,

6
7 KAMALA D. HARRIS
Attorney General of California
8 FRANK H. PACOE
Supervising Deputy Attorney General

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11 JOSHUA A. ROOM
Supervising Deputy Attorney General
Attorneys for Complainant
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Exhibit A

Accusation No. 4777

1 KAMALA D. HARRIS
Attorney General of California
2 JOSHUA A. ROOM
Supervising Deputy Attorney General
3 JOSHUA A. ROOM
Supervising Deputy Attorney General
4 State Bar No. 214663
455 Golden Gate Avenue, Suite 11000
5 San Francisco, CA 94102-7004
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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. 4777

11 **BRITTANY NICOLE ANTOGNAZZI**
12 **18 Virginia Gardens**
13 **Berkeley, CA 94702**

A C C U S A T I O N

14 **Pharmacy Technician License No. TCH 83750**

15 Respondent.

16 Complainant alleges:

17 **PARTIES**

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

20 2. On or about May 20, 2009, the Board of Pharmacy issued Pharmacy Technician
21 License Number TCH 83750 to Brittany Nicole Antognazzi (Respondent). The Pharmacy
22 Technician License was in full force and effect at all times relevant to the charges brought herein
23 and will expire on June 30, 2014, unless renewed.

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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 4. Section 4011 of the Code provides that the Board shall administer and enforce both
2 the Pharmacy Law [Bus. & Prof. Code, § 4000 et seq.] and the Uniform Controlled Substances
3 Act [Health & Safety Code, § 11000 et seq.].

4 5. Section 4300(a) of the Code provides that every license issued by the Board may be
5 suspended or revoked.

6 6. Section 4300.1 of the Code provides that the expiration, cancellation, forfeiture, or
7 suspension of a Board-issued license, the placement of a license on a retired status, or the
8 voluntary surrender of a license by a licensee, shall not deprive the Board of jurisdiction to
9 commence or proceed with any investigation of, or action or disciplinary proceeding against, the
10 licensee or to render a decision suspending or revoking the license.

11
12 STATUTORY AND REGULATORY PROVISIONS

13 7. Section 4301 of the Code provides, in pertinent part, that the Board shall take action
14 against any holder of a license who is guilty of "unprofessional conduct," defined to include, but
15 not be limited to, any of the following:

16 (1) The conviction of a crime substantially related to the qualifications, functions, and duties
17 of a licensee under this chapter.

18 8. Section 490 of the Code provides, in pertinent part, that the Board may suspend or
19 revoke a license when it finds that the licensee has been convicted of a crime substantially related
20 to the qualifications, functions or duties of the license.

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

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

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10. Section 125.3 of the Code provides, in pertinent part, that the Board may request the administrative law judge to direct a licentiate found to have committed a violation of the licensing act to pay a sum not to exceed its reasonable costs of investigation and enforcement.

FACTUAL BACKGROUND

11. On or about March 2, 2013, Beaumont (California) Police Department officer(s) were called to respond to a domestic disturbance at a residence in Desert Hot Springs, California, and were told by members of Respondent's family that Respondent had gotten into argument(s) with one or more members of the family. Respondent's family further reported that Respondent told her boyfriend, who was present and known to own a handgun, to shoot Respondent's brother, and that Respondent said she and her boyfriend would come back and kill everybody in the family. Both Respondent's brother and her mother signed citizen's arrest forms against Respondent.

12. Respondent was arrested and subsequently criminally charged for this conduct (see below). On or about April 21, 2013, Desert Hot Springs (California) Police Department officer(s) were called to a residence in that city to respond to a report of vandalism. They discovered that the tire(s) on Respondent's brother's car had been slashed, which Respondent's brother attributed to Respondent. Respondent's brother said that the previous night his sister (Respondent) had said he had better drop the pending charges, or "watch what happens," and had also said specifically his car would be damaged/Respondent would slash his tires if he did not drop the charges. He also produced a letter that he said Respondent had given him to send to the District Attorney, written as if Respondent's brother were the author, saying that Respondent's brother forgave her and did not want the District Attorney to pursue the charges. Respondent's brother's version of events was corroborated by his girlfriend, who was present when Respondent made the threats, and she said that Respondent admitted to having slashed her brother's tire(s).

13. Respondent was arrested and subsequently charged for this conduct (see below).

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1 FIRST CAUSE FOR DISCIPLINE

2 (Conviction of Substantially Related Crime(s))

3 14. Respondent is subject to discipline under section 4301(l) and/or section 490 of the
4 Code, by reference to California Code of Regulations, title 16, section 1770, for the conviction of
5 substantially related crime(s), in that on or about May 2, 2013, in the criminal case *People v.*
6 *Brittany Antognazzi*, Case No. INM1302030 in Riverside County Superior Court, Respondent
7 was convicted of violating Penal Code section 422 (Criminal Threats of Death or Great Bodily
8 Injury), a misdemeanor. The conviction was entered as follows:

9 a. On or about March 2, 2013, based on the incident(s) described in paragraph 11
10 above, Respondent was placed under arrest on charges including a suspected violation of Penal
11 Code section 422 (Criminal Threats of Death or Great Bodily Injury).

12 b. On or about March 6, 2013, Respondent was charged by criminal complaint in
13 Case No. INM1302030 with violating Penal Code section 422 (Criminal Threats of Death or
14 Great Bodily Injury), a misdemeanor.

15 c. On or about May 2, 2013, Respondent pleaded guilty and was convicted of
16 violating Penal Code section 422 (Criminal Threats of Death or Great Bodily Injury), a
17 misdemeanor. Respondent was sentenced to a period of summary probation of three (3) years, on
18 terms and conditions including 28 days in county jail, search conditions, an order not to annoy,
19 harass, threaten, or disturb the peace of her brother, and fines and fees.

20
21 SECOND CAUSE FOR DISCIPLINE

22 (Conviction of Substantially Related Crime(s))

23 15. Respondent is subject to discipline under section 4301(l) and/or section 490 of the
24 Code, by reference to California Code of Regulations, title 16, section 1770, for the conviction of
25 substantially related crime(s), in that on or about May 2, 2013, in the criminal case *People v.*
26 *Brittany Antognazzi*, Case No. INF1301020 in Riverside County Superior Court, Respondent was
27 convicted of violating Penal Code section 136.1, subdivision (a)(2) (Attempting to Prevent or
28 Dissuade Witness from Testifying), a misdemeanor. The conviction was entered as follows:

1 a. On or about April 21, 2013, based on the incident(s) described in paragraph 12
2 above, Respondent was placed under arrest on charges including a suspected violation of Penal
3 Code section 136.1, subdivision (a)(2) (Attempting to Prevent/Dissuade Witness from Testifying).

4 b. On or about April 25, 2013, Respondent was charged by criminal complaint in
5 Case No. INF1301020 with violating Penal Code section 136.1, subdivision (a)(2) (Attempting to
6 Prevent/Dissuade Witness from Testifying), a felony.

7 c. On or about May 2, 2013, the charge was amended to a misdemeanor and then
8 Respondent pleaded guilty and was convicted of violating Penal Code section 136.1, subdivision
9 (a)(2) (Attempting to Prevent/Dissuade Witness from Testifying), a misdemeanor. Respondent
10 was sentenced to a period of summary probation of thirty-six (36) months, on terms and
11 conditions including 28 days in county jail, 200 hours of community service, search conditions,
12 counseling/rehabilitation/treatment as ordered by probation, anger management counseling, an
13 order not to annoy, harass, threaten, or disturb the peace of her brother, and fines and fees.

14
15 THIRD CAUSE FOR DISCIPLINE

16 (Unprofessional Conduct)

17 16. Respondent is subject to discipline under section 4301 of the Code in that, as
18 described in paragraph(s) 11 to 15 above, Respondent engaged in unprofessional conduct.

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21 PRAYER

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

25 1. Revoking or suspending Pharmacy Technician License Number TCH 83750, issued to
26 Brittany Nicole Antognazzi (Respondent);

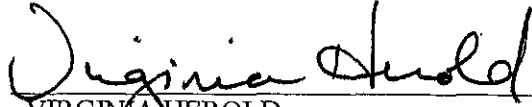
27 2. Ordering Respondent to pay the Board the reasonable costs of the investigation and
28 enforcement of this case, pursuant to Business and Professions Code section 125.3;

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

DATED: _____

10/21/13



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

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Exhibit B

Letter of Public Reproval in Case No. 4777



California State Board of Pharmacy

1625 N. Market Blvd, N219, Sacramento, CA 95834

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BUSINESS, CONSUMER SERVICES AND HOUSING AGENCY

DEPARTMENT OF CONSUMER AFFAIRS

GOVERNOR EDMUND G. BROWN JR.

July 8, 2014

Brittany Nicole Antognazzi
13320 Avenida La Vista
Desert Hot Springs, CA 92240

Re: LETTER OF PUBLIC REPROVAL
In the Matter of the Accusation Against:
Brittany Nicole Antognazzi, Pharmacy Technician Registration No. TCH 83750

Dear Ms. Antognazzi:

On October 21, 2013, the Board of Pharmacy, Department of Consumer Affairs, State of California, filed an Accusation against your Pharmacy Technician License. The Accusation alleged that you engaged in unprofessional conduct under Business and Professions Code section 4301, subdivision (l), and/or section 490, based on your conviction(s) of substantially related crime(s): (1) a conviction for violation of Penal Code section 422 (Criminal Threats of Death or Great Bodily Injury), a misdemeanor, entered on or about May 2, 2013; and (2) a conviction for violation of Penal Code section 136.1, subdivision (a)(2) (Attempting to Prevent or Dissuade Witness from Testifying), a misdemeanor, also entered on or about May 2, 2013. Both convictions resulted from your interactions with your brother and other members of your family in or about March and April 2013.

You have represented that the incidents in question resulted from some difficulty in your family, and should not be taken to indicate a propensity to criminality or violence. It is not possible to know the truth of your explanation, but in light of your otherwise clear tenure as a pharmacy technician, the Board has decided that the charges warrant a public reproof. This letter acknowledges and memorializes your prior convictions as a basis for license discipline.

Accordingly, in resolution of this matter under the authority provided under Business and Professions Code section 495, the Board of Pharmacy, Department of Consumer Affairs issues this letter of public reproof.

Sincerely,

A handwritten signature in black ink that reads "Virginia Herold".

VIRGINIA HEROLD
Executive Officer
Board of Pharmacy
Department of Consumer Affairs