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

In the Matter of the Accusation Against:  
**CHRISTINA HINA VAITAI**  
**3081 Oakmont Drive**  
**San Bruno, CA 94066**  
**Pharmacy Technician License No. TCH 105602**  
  
Respondent.

Case No. 4808

**DEFAULT DECISION AND ORDER**

[Gov. Code, §11520]

FINDINGS OF FACT

1. On or about October 21, 2013, Complainant Virginia Herold, in her official capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs, filed Accusation No. 4808 against Christina Hina Vaitai (Respondent) before the Board of Pharmacy. (A copy of the Accusation is attached as Exhibit A.)

2. On or about October 12, 2000, the Board of Pharmacy (Board) issued Pharmacy Technician License No. TCH 105602 to Respondent. The License was in full force and effect at all times relevant to the charges brought in Accusation No. 4808; the License expired on January 31, 2014, and has not been renewed. Pursuant to Business and Professions Code section 4300.1, this lapse does not deprive the Board of authority to institute or continue this disciplinary matter.

///

1           3.     On or about November 20, 2013, Respondent was served by Certified and First Class  
2 Mail with copies of: Accusation No. 4808; a Statement to Respondent; a Notice of Defense (2  
3 copies); a Request for Discovery; and the text of the Discovery Statutes (Government Code  
4 sections 11507.5, 11507.6, and 11507.7) at Respondent's address of record which was and is:  
5 3081 Oakmont Drive, San Bruno, CA 94066.

6           4.     Pursuant to Business and Professions Code section 136 and/or 4100, and/or California  
7 Code of Regulations, title 16, section 1704, Respondent's address of record, and any changes  
8 thereto, are required to be reported and maintained with the Board.

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

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

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

17           7.     Respondent failed to file a Notice of Defense within 15 days after service upon her of  
18 the Accusation, and therefore waived her right to a hearing on the merits of Accusation No. 4808.

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

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

24           9.     Pursuant to its authority under Government Code section 11520, the Board finds  
25 Respondent is in default. The Board will take action without further hearing and, based on the  
26 relevant evidence contained in the Default Decision Evidence Packet in this matter, as well as  
27 taking official notice of all the investigatory reports, exhibits and statements contained therein on  
28 file at the Board's offices regarding the allegations contained in Accusation No. 4808, finds that  
the charges and allegations in Accusation No. 4808, are separately and severally, found to be true  
and correct by clear and convincing evidence.

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ORDER

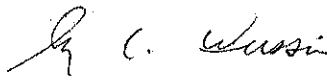
IT IS SO ORDERED that Pharmacy Technician License No. TCH 105602, heretofore issued to Respondent Christina Hina Vaitai, is revoked.

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 7, 2014.

It is so ORDERED ON March 6, 2014.

BOARD OF PHARMACY  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

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

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DOJ Matter ID:SF2013405503

Attachment:  
Exhibit A: Accusation

# Exhibit A

Accusation

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  
Telephone: (415) 703-1299  
6 Facsimile: (415) 703-5480  
*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. 4808

11 **CHRISTINA HINA VAITAI**  
12 **3081 Oakmont Drive**  
13 **San Bruno, CA 94066**

**ACCUSATION**

14 **Pharmacy Technician License No. TCH 105602**

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 October 12, 2010, the Board of Pharmacy issued Pharmacy Technician  
21 License Number TCH 105602 to Christina Hina Vaitai (Respondent). The Pharmacy Technician  
22 License was in full force and effect at all times relevant to the charges brought herein and will  
23 expire on January 31, 2014, unless renewed.

24  
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 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            (j) The violation of any of the statutes of this state, of any other state, or of the United  
17 States regulating controlled substances and dangerous drugs.

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

22        8.    Section 4060 of the Code provides, in pertinent part, that no person shall possess any  
23 controlled substance, except that furnished upon a valid prescription/drug order.

24        9.    Health and Safety Code section 11377, in pertinent part, makes it unlawful to possess  
25 any controlled substance in Schedule II, subdivision (d), without a prescription.

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

1 CONTROLLED SUBSTANCES / DANGEROUS DRUGS

2 11. Section 4021 of the Code states:

3 “‘Controlled substance’ means any substance listed in Chapter 2 (commencing with Section  
4 11053) of Division 10 of the Health and Safety Code.”

5 12. Section 4022 of the Code states, in pertinent part:

6 “‘Dangerous drug’ or ‘dangerous device’ means any drug or device unsafe for self use,  
7 except veterinary drugs that are labeled as such, and includes the following:

8 “(a) Any drug that bears the legend: ‘Caution: federal law prohibits dispensing without  
9 prescription,’ ‘Rx only,’ or words of similar import.

10 ...

11 “(c) Any other drug or device that by federal or state law can be lawfully dispensed only on  
12 prescription or furnished pursuant to Section 4006.

13 13. **Methamphetamine** is a Schedule II controlled substance as designated by Health and  
14 Safety Code section 11055(d)(2) and a dangerous drug as designated by Business and Professions  
15 Code section 4022. It is a stimulant drug.

16  
17 FACTUAL BACKGROUND

18 14. On or about January 31, 2013, Respondent was contacted in the parking lot outside of  
19 a business by officer(s) from the South San Francisco Police Department. Respondent consented  
20 to a search of her person, which recovered two (2) bindles of suspected **methamphetamine**.  
21 Respondent admitted to the officer(s) that the substance was **methamphetamine**.

22  
23 FIRST CAUSE FOR DISCIPLINE

24 (Possession of Controlled Substance)

25 15. Respondent is subject to discipline under section 4301(j) and/or (o) and/or section  
26 4060 of the Code, and/or Health and Safety Code section 11377 in that Respondent, as described  
27 in paragraph 14 above, possessed, conspired to possess, and/or assisted in or abetted possession of  
28 **methamphetamine**, a controlled substance, without a prescription.



1 SECOND CAUSE FOR DISCIPLINE

2 (Unprofessional Conduct)

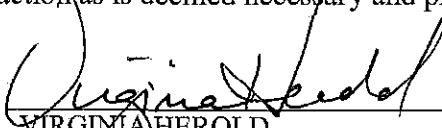
3 16. Respondent is subject to discipline under section 4301 of the Code in that  
4 Respondent, as described in paragraphs 14 and 15 above, engaged in unprofessional conduct.

5  
6 PRAYER

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

- 9 1. Revoking or suspending Pharmacy Technician License No. TCH 105602, issued to  
10 Christina Hina Vaitai (Respondent);
- 11 2. Ordering Respondent to pay the Board the reasonable costs of the investigation and  
12 enforcement of this case, pursuant to Business and Professions Code section 125.3;
- 13 3. Taking such other and further action as is deemed necessary and proper.

14 DATED: 10/21/13

  
15 VIRGINIA HEROLD  
16 Executive Officer  
17 Board of Pharmacy  
18 Department of Consumer Affairs  
19 State of California  
20 Complainant

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22 40812205.doc  
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