

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

In the Matter of the Accusation Against:

Case No. 4989

**NATHASJA HEIDI SANTOS
329 S. San Gabriel Blvd
Pasadena, CA 91107**

**Pharmacy Technician Registration No. TCH
64134**

Respondent.

DECISION AND ORDER

The attached Stipulated Surrender of License and Order is hereby adopted by the Board of Pharmacy, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on January 22, 2016.

It is so ORDERED on December 23, 2015.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA



By

Amy Gutierrez, Pharm.D.
Board President

1 KAMALA D. HARRIS
Attorney General of California
2 THOMAS L. RINALDI
Supervising Deputy Attorney General
3 CRISTINA FELIX
Deputy Attorney General
4 State Bar No. 195663
300 So. Spring Street, Suite 1702
5 Los Angeles, CA 90013
Telephone: (213) 897-2455
6 Facsimile: (213) 897-2804
E-mail: Cristina.Felix@doj.ca.gov
7 *Attorneys for Complainant*

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9 **DEPARTMENT OF CONSUMER AFFAIRS**
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

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12 **NATHASJA HEIDI SANTOS**
13 **329 S. San Gabriel Blvd**
Pasadena, CA 91107

STIPULATED SURRENDER OF
LICENSE AND ORDER

14 **Pharmacy Technician Registration No. TCH**
15 **64134**

16 Respondent.

17
18 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-
19 entitled proceedings that the following matters are true:

20 PARTIES

21 1. Virginia Herold (Complainant) is the Executive Officer of the Board of Pharmacy.
22 She brought this action solely in her official capacity and is represented in this matter by Kamala
23 D. Harris, Attorney General of the State of California, by Cristina Felix, Deputy Attorney
24 General.

25 2. Nathasja Heidi Santos (Respondent) is representing herself in this proceeding and has
26 chosen not to exercise her right to be represented by counsel.

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1 CULPABILITY

2 8. Respondent admits the truth of each and every charge and allegation in Accusation
3 No. 4989, agrees that cause exists for discipline and hereby surrenders her Pharmacy Technician
4 Registration No. TCH 64134 for the Board's formal acceptance.

5 9. Respondent understands that by signing this stipulation she enables the Board to issue
6 an order accepting the surrender of her Pharmacy Technician Registration without further
7 process.

8 CONTINGENCY

9 10. This stipulation shall be subject to approval by the Board of Pharmacy. Respondent
10 understands and agrees that counsel for Complainant and the staff of the Board of Pharmacy may
11 communicate directly with the Board regarding this stipulation and surrender, without notice to or
12 participation by Respondent. By signing the stipulation, Respondent understands and agrees that
13 she may not withdraw her agreement or seek to rescind the stipulation prior to the time the Board
14 considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order,
15 the Stipulated Surrender and Disciplinary Order shall be of no force or effect, except for this
16 paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not
17 be disqualified from further action by having considered this matter.

18 11. The parties understand and agree that Portable Document Format (PDF) and facsimile
19 copies of this Stipulated Surrender of License and Order, including Portable Document Format
20 (PDF) and facsimile signatures thereto, shall have the same force and effect as the originals.

21 12. This Stipulated Surrender of License and Order is intended by the parties to be an
22 integrated writing representing the complete, final, and exclusive embodiment of their agreement.
23 It supersedes any and all prior or contemporaneous agreements, understandings, discussions,
24 negotiations, and commitments (written or oral). This Stipulated Surrender of License and Order
25 may not be altered, amended, modified, supplemented, or otherwise changed except by a writing
26 executed by an authorized representative of each of the parties.

27 13. In consideration of the foregoing admissions and stipulations, the parties agree that
28 the Board may, without further notice or formal proceeding, issue and enter the following Order:

1 ORDER

2 IT IS HEREBY ORDERED that Pharmacy Technician Registration No. TCH 64134, issued
3 to Respondent Nathasja Heidi Santos, is surrendered and accepted by the Board of Pharmacy.

4 1. The surrender of Respondent's Pharmacy Technician Registration and the acceptance
5 of the surrendered license by the Board shall constitute the imposition of discipline against
6 Respondent. This stipulation constitutes a record of the discipline and shall become a part of
7 Respondent's license history with the Board of Pharmacy.

8 2. Respondent shall lose all rights and privileges as a Pharmacy Technician in California
9 as of the effective date of the Board's Decision and Order.

10 3. Respondent shall relinquish to the Board his or her pharmacy technician license,
11 including her pocket license and, if one was issued, her wall certificate, to the board within ten
12 (10) days of the effective date of this decision.

13 4. Respondent may not apply for any license, permit, or registration from the board for
14 three (3) years from the effective date of this decision. Respondent understands and agrees that if
15 she ever files an application for licensure or a petition for reinstatement in the State of California,
16 the board shall treat it as a new application for licensure. Respondent stipulates that should she
17 apply for any license from the board on or after the effective date of this decision, all allegations
18 set forth in the Accusation No. 4989 shall be deemed to be true, correct and admitted by
19 respondent when the board determines whether to grant or deny the application. Respondent shall
20 satisfy all requirements applicable to that license as of the date the application is submitted to the
21 board, including, but not limited to certification by a nationally recognized body prior to the
22 issuance of a new license. Respondent is required to report this surrender as disciplinary action.

23 5. Respondent stipulates that should she apply for any license from the board on or after
24 the effective date of this decision, investigation and prosecution costs in the amount of \$3,652.50
25 shall be paid to the Board prior to issuance of a new license.

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1 JURISDICTION

2 3. This Accusation is brought before the Board under the authority of the following
3 laws. All section references are to the Business and Professions Code unless otherwise indicated.

4 STATUTORY PROVISIONS

5 4. Section 490 states, in pertinent part:

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

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

14 (c) A conviction within the meaning of this section means a plea or verdict of guilty or a
15 conviction following a plea of nolo contendere. Any action that a board is permitted to take
16 following the establishment of a conviction may be taken when the time for appeal has elapsed,
17 or the judgment of conviction has been affirmed on appeal, or when an order granting probation
18 is made suspending the imposition of sentence, irrespective of a subsequent order under the
19 provisions of Section 1203.4 of the Penal Code."

20 5. Section 4300 provides in pertinent part, that every license issued by the Boards is
21 subject to discipline, including suspension or revocation.

22 6. Section 4300.1 states:

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

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7. Section 4301 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, fraud, deceit, or corruption, whether the act is committed in the course of relations as a licensee or otherwise, and whether the act is a felony or misdemeanor or not.

...

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

...

(l) The conviction of a crime substantially related to the qualifications, functions, and duties of a licensee under this chapter. The record of conviction of a violation of Chapter 13 (commencing with Section 801) of Title 21 of the United States Code regulating controlled substances or of a violation of the statutes of this state regulating controlled substances or dangerous drugs shall be conclusive evidence of unprofessional conduct. In all other cases, the record of conviction shall be conclusive evidence only of the fact that the conviction occurred. The board may inquire into the circumstances surrounding the commission of the crime, in order to fix the degree of discipline or, in the case of a conviction not involving controlled substances or dangerous drugs, to determine if the conviction is of an offense substantially related to the qualifications, functions, and duties of a licensee under this chapter. A plea or verdict of guilty or a conviction following a plea of nolo contendere is deemed to be a conviction within the meaning of this provision. The board may take action 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 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

1 guilty, or setting aside the verdict of guilty, or dismissing the accusation, information, or
2 indictment.

3 ...
4 (o) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the
5 violation of or conspiring to violate any provision or term of this chapter or of the applicable
6 federal and state laws and regulations governing pharmacy, including regulations established by
7 the board or by any other state or federal regulatory agency."

8 REGULATORY PROVISIONS

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

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

16 COST RECOVERY

17 9. Section 125.3 provides, in pertinent part, that the Board may request the
18 administrative law judge to direct a licensee found to have committed a violation or violations of
19 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
20 enforcement of the case, with failure of the licensee to comply subjecting the license to not
21 being renewed or reinstated. If a case settles, recovery of investigation and enforcement costs
22 may be included in a stipulated settlement.

23 CONTROLLED SUBSTANCE / DANGEROUS DRUG

24 10. "Methamphetamine," is a schedule II controlled substance as defined in Health and
25 Safety Code section 11055, subdivision (e)(14), and is categorized a dangerous drug pursuant to
26 section 4022.

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1 FIRST CAUSE FOR DISCIPLINE

2 (Convictions of Substantially Related Crimes)

3 11. Respondent is subject to disciplinary action under sections 490, 4300, and 4301,
4 subdivision (l), in conjunction with California Code of Regulations, title 16, section 1770, on the
5 grounds of unprofessional conduct, in that Respondent was convicted of crimes substantially
6 related to the qualifications, functions, and duties of a pharmacy technician, as follows:

7 a. On or about October 22, 2014, after pleading nolo contendere, Respondent was
8 convicted of one felony count of violating Penal Code section 459 [second degree: commercial
9 burglary], one felony count of violating Penal Code section 530.5(a) [identity theft], and one
10 felony count of violating Penal Code section 484e(d) [theft] in the criminal proceeding entitled
11 *The People of the State of California v. Nathasja Heidi Santos* (Super. Ct. L.A. County, 2014,
12 No. KA104379.) The Court sentenced Respondent to serve 8 months in Los Angeles County Jail
13 for the Penal Code 459 conviction, and an additional 2 years for the remaining convictions, jail
14 time to run concurrent with her 3 year term in criminal proceeding entitled *The People of the*
15 *State of California v. Nathasja Heidi Santos* (Super. Ct. L.A. County, 2014, No. NA097841).
16 The circumstances surrounding the convictions are that on or about October 23, 2013,
17 Respondent used a credit card not belonging to her to check into Pacific Palms Hotel in the City
18 of Industry. Respondent was in possession of several credit cards not belonging to her when she
19 was arrested.

20 b. On or about July 25, 2014, after pleading nolo contendere, Respondent was convicted
21 of one felony count of violating Penal Code section 459 [second degree: commercial burglary]
22 and four felony counts of violating Penal Code section 475, subdivision (a) [forgery] in the
23 criminal proceeding entitled *The People of the State of California v. Nathasja Heidi Santos*
24 (Super. Ct. L.A. County, 2014, No. NA097841.) The Court sentenced Respondent to serve 3
25 years in Los Angeles County Jail and denied probation. The circumstances surrounding the
26 conviction are that on or about November 12, 2013, Respondent used an identification card and a
27 credit card not belonging to her to check into the Westin Hotel in Long Beach, CA.

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1 c. On or about September 18, 2013, after pleading nolo contendere, Respondent was
2 convicted of one felony count of violating Penal Code section 530.5, subdivision (a) [identity
3 theft] in the criminal proceeding entitled *The People of the State of California v. Nathasja Heidi*
4 *Santos* (Super. Ct. L.A. County, 2013, No. GA090399.) On or about July 25, 2014, Respondent
5 was remanded to custody and was sentenced to serve 3 years in Los Angeles County Jail. The
6 circumstances surrounding the conviction are that on or about May 31, 2013, during an
7 investigation by the Pasadena Police Department of criminal threats against Respondent by her
8 boyfriend, J.C., an officer attempted to reach Respondent to warn her but was unable to contact
9 her. The officer received information that J.C. could possibly be staying at the Budget Inn
10 located at 15412 Francisquito Ave, La Puente, CA. The officers became aware that the only
11 person registered at the hotel was not a regular customer and used the name Nicole Lopez.
12 However, Respondent's car was listed under the registration card for Nicole Lopez. As the
13 officers were heading to Respondent's room, Respondent was seen crossing the street.
14 Respondent told officers that J.C. was in her hotel room, room 120. When the officers entered
15 the room they found, in plain sight, a photocopier machine, several checks belonging to Andrew
16 Tran, a check book belonging to Feliz Chavez, a blue paper with personal profiles on it, and a
17 white card reader. There was also a large Methamphetamine smoking pipe, with white residue
18 and burn marks on it, on the table. The officers also found a small ziploc bag containing
19 Methamphetamine inside a white Chanel gift bag. When asked if she had anything illegal in her
20 possession, Respondent became nervous and avoided the question. During a search of
21 Respondent's purse, one of the officers found an ID in the name of Nicole Lopez. The ID had
22 Respondent's picture but false information. The officer also found a counterfeit \$100.00 bill, a
23 stolen checkbook, a Visa card in the name of Nicole Lopez and two additional credit cards. A
24 camcorder containing a video of Respondent and her boyfriend smoking methamphetamine was
25 also found on the table in the room. Additional identity theft profiles were found in a cargo bag
26 belonging to Respondent and additional items of stolen mail belonging to different people were
27 found in Respondent's vehicle.

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1 SECOND CAUSE FOR DISCIPLINE

2 (Acts Involving Moral turpitude, Dishonesty, Fraud, Deceft, or Corruption

3 12. Respondent is subject to disciplinary action under section 4301, subdivision (f), in
4 that, Respondent committed acts involving moral turpitude, dishonesty, fraud, deceit, or
5 corruption with the intent to substantially benefit herself, or substantially injure another, as
6 follows:

7 a. On or about November 12, 2013 and May 31, 2013 Respondent was in possession of
8 false documents. Complainant refers to, and by reference incorporates, the allegations set forth
9 above in paragraph 11, subparagraphs (b) and (c), inclusive, as though set forth fully.

10 b. On or about September 15, 2013, the Anaheim Police Department responded to a call
11 of suspicious circumstances at the Marriott Hotel located at 700 W. Convention Way, Anaheim,
12 California. When they arrived at the location the security officer directed them to a group of four
13 subjects sitting in the lobby that refused to pay a \$500.00 bill. After the security officers had
14 gone to their room they tried to pay the balance with several credit cards. During a search of the
15 room the police officers found a wallet with a California identification that belonged to
16 Respondent. A second California identification was found in her wallet that appeared to be
17 counterfeit with Respondent's picture. Officers found additional fraudulent credit cards and
18 checks in the room with Respondent's information. Respondent was subsequently arrested for
19 violating Penal Code section 530.5 [Identity theft]. Subsequently, on or about September 18,
20 2013, criminal charges were filed in the matter entitled *The People of the State of California v.*
21 *Nathasja Heidi Santos* (Super. Ct. Orange County, 2013, No. 13NF3209.) On or about July 16,
22 2014, Respondent failed to appear at the North Justice Center for a preliminary hearing. The
23 Court issued a bench warrant in the amount of \$50,000.

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1 c. On or about April 12, 2013, the Los Angeles Police Department received a radio call
2 of a citizen following a possible kidnap suspect. When the officers located the vehicle, they
3 conducted a traffic stop. Respondent was the driver of the vehicle. When asked, if someone had
4 tried to kidnap her or if she got into a physical altercation with someone, she replied, "no."
5 Respondent indicated that the reporting party was her mother because she had not come home in
6 a couple of days and believed that her boyfriend was forcing her into using narcotics. During a
7 consensual search of her vehicle, the officer found a long clear plastic pipe containing an off
8 white crystalline substance resembling Methamphetamine residue. Respondent was subsequently
9 arrested for violating Health and Safety Code section 11364 [possession of paraphernalia].
10 Officers also recovered a red box containing various credit cards, counterfeit bills and ID's from
11 a plastic bag behind the passenger seat. A black laptop bag containing various credit cards,
12 checks, opened mail from different addresses, a credit card reader, a laptop, and a credit card
13 embossing machine in a white luggage bag were recovered from the trunk. Respondent was
14 arrested on additional charges of violating Penal Code section 496, subdivision (a) [receiving
15 stolen property. When asked why there was a picture of her on a California identification with a
16 different name, Respondent stated that her ex-boyfriend made the identification a while ago to
17 book hotels without using her real name.

18 **THIRD CAUSE FOR DISCIPLINE**

19 **(Possession of Drug Paraphernalia)**

20 13. Respondent is subject to disciplinary action under sections 4300 and 4301,
21 subdivision (j), on the grounds of unprofessional conduct, in that on or about April 12, 2013,
22 Respondent was in possession of a glass pipe. Complainant refers to, and by this reference
23 incorporates, the allegations set forth above in paragraph 12, subparagraph (c), as though set forth
24 fully.

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1 FOURTH CAUSE FOR DISCIPLINE

2 (Unprofessional Conduct / Violation of Licensing Chapter)

3 14. Respondent is subject to disciplinary action under section 4301, subdivision (c), in
4 that Respondent committed acts of unprofessional conduct and / or violated provisions of the
5 licensing chapter. Complainant refers to, and by this reference incorporates, the allegations set
6 forth above in paragraphs 11-13, inclusive, as though set forth fully.

7 PRAYER

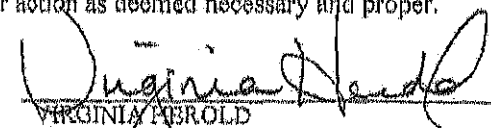
8 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
9 and that following the hearing, the Board issue a decision:

10 1. Revoking or suspending Pharmacy Technician Registration No. TCH 64134, issued
11 to Nathasja Heidi Santos;

12 2. Ordering Nathasja Heidi Santos to pay the Board the reasonable costs of the
13 investigation and enforcement of this case, pursuant to section 125.3; and

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

15 DATED: 2/18/15



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

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