

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

In the Matter of the Accusation Against:

Case No. 5014

INDEESHA ROSHAY MORRIS

1056 G Street, Apt. #2
Brawley, CA 92227

**Pharmacy Technician Registration No. TCH
98455**

Respondent.

DECISION AND ORDER

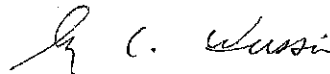
The attached Stipulated Settlement and Disciplinary Order for Surrender and Order is hereby adopted by the Board of Pharmacy, Department of Consumer Affairs, as its Decision in this matter.

This decision shall become effective on January 14, 2015.

It is so ORDERED on January 7, 2015.

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 JAMES M. LEDAKIS
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9 **BEFORE THE**
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10 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

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12 In the Matter of the Accusation Against:

13 **INDEESHA ROSHAY MORRIS**
14 **1056 G Street, Apt. #2**
Brawley,, CA 92227

15 **Pharmacy Technician Registration No. TCH**
16 **98455**

17 Respondent.
18

Case No. 5014

OAH No. 2014070719

STIPULATED SURRENDER OF
LICENSE AND ORDER

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

21 PARTIES

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

26 2. Indeesha Roshay Morris (Respondent) is representing herself in this proceeding and
27 has chosen not to exercise her right to be represented by counsel.
28

3. On or about January 21, 2010, the Board of Pharmacy issued Pharmacy Technician Registration No. TCH 98455 to Indeesha Roshay Morris (Respondent). The Pharmacy Technician Registration was in full force and effect at all times relevant to the charges brought in Accusation No. 5014 and will expire on August 31, 2015, unless renewed.

JURISDICTION

4. Accusation No. 5014 was filed before the Board of Pharmacy (Board), Department of Consumer Affairs, and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent on June 24, 2014. Respondent timely filed her Notice of Defense contesting the Accusation. A copy of Accusation No. 5014 is attached as Exhibit A and incorporated by reference.

ADVISEMENT AND WAIVERS

5. Respondent has carefully read, and understands the charges and allegations in Accusation No. 5014. Respondent also has carefully read, and understands the effects of this Stipulated Surrender of License and Order.

6. Respondent is fully aware of her legal rights in this matter, including the right to a hearing on the charges and allegations in the Accusation; the right to be represented by counsel, at her own expense; the right to confront and cross-examine the witnesses against her; the right to present evidence and to testify on her own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.

7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

CULPABILITY

8. Respondent admits the truth of each and every charge and allegation in Accusation No. 5014, agrees that cause exists for discipline and hereby surrenders her Pharmacy Technician Registration No. TCH 98455 for the Board's formal acceptance.

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

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 of Pharmacy may communicate directly with the Board regarding this stipulation and surrender, 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 Surrender and Disciplinary Order 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 Surrender of License and Order, including Portable Document Format (PDF) and facsimile signatures thereto, shall have the same force and effect as the originals.

12. This Stipulated Surrender of License and Order 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 Surrender of License and Order 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 Order:

ORDER

IT IS HEREBY ORDERED that Pharmacy Technician Registration No. TCH 98455, issued to Respondent Indeesha Roshay Morris, is surrendered and accepted by the Board of Pharmacy.

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

5 2. Respondent shall lose all rights and privileges as a pharmacy technician in California
6 as of the effective date of the Board's Decision and Order.

7 3. Respondent shall cause to be delivered to the Board her pocket license and, if one was
8 issued, her wall certificate on or before the effective date of the Decision and Order.

9 4. If she ever applies for licensure or petitions for reinstatement in the State of
10 California, the Board shall treat it as a new application for licensure. Respondent shall satisfy all
11 requirements applicable to that license as of the date the application is submitted to the Board,
12 including, but not limited to certification by a nationally recognized body prior to the issuance of
13 a new license. Respondent is required to report this surrender as disciplinary action. Respondent
14 must comply with all the laws, regulations and procedures for licensure in effect at the time the
15 application or petition is filed, and all of the charges and allegations contained in Accusation No.
16 5014 shall be deemed to be true, correct and admitted by Respondent when the Board determines
17 whether to grant or deny the application or petition.

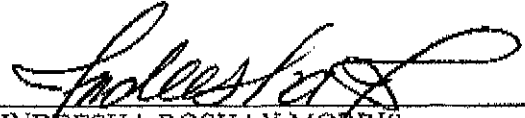
18 5. Respondent shall pay the agency its costs of investigation and enforcement in the
19 amount of \$1,725.00 prior to issuance of a new or reinstated license.

20 6. If Respondent should ever apply or reapply for a new license or certification, or
21 petition for reinstatement of a license, by any other health care licensing agency in the State of
22 California, all of the charges and allegations contained in Accusation, No. 5014 shall be deemed
23 to be true, correct, and admitted by Respondent for the purpose of any Statement of Issues or any
24 other proceeding seeking to deny or restrict licensure.

25 7. Respondent may not apply, reapply, or petition for any licensure or registration of the
26 Board for three (3) years from the effective date of the Decision and Order.

ACCEPTANCE

I have carefully read the Stipulated Surrender of License and Order. I understand the stipulation and the effect it will have on my Pharmacy Technician Registration. I enter into this Stipulated Surrender of License and Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board of Pharmacy.

DATED: 12-2-14
INDEESHA ROSHAY MORRIS
RespondentENDORSEMENT

The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted for consideration by the Board of Pharmacy of the Department of Consumer Affairs.

Dated: 12/9/2014

Respectfully submitted,

KAMALA D. HARRIS
Attorney General of California
JAMES M. LEDAKIS
Supervising Deputy Attorney General



NICOLE R. TRAMA
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Accusation No. 5014

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2 ALFREDO TERRAZAS
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BOARD OF PHARMACY
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11 **STATE OF CALIFORNIA**

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Case No. 5014

13 **INDEESHA ROSHAY MORRIS**
14 **650 North Imperial Avenue, Apartment 30**
Brawley, CA 92227

A C C U S A T I O N

15 **Pharmacy Technician Registration No. TCH 98455**

16 Respondent.

17
18 Complainant alleges:

19 **PARTIES**

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

22 2. On January 21, 2010, the Board of Pharmacy issued Pharmacy Technician
23 Registration Number TCH 98455 to Indeesha Roshay Morris (Respondent). Respondent has also
24 been known as Ideesha Morris and Indeesha Morris. The Pharmacy Technician Registration was
25 in full force and effect at all times relevant to the charges brought herein and will expire on
26 August 31, 2015, unless renewed.

27 ///

28 ///

JURISDICTION

3. This Accusation is brought before the Board of Pharmacy (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code (Code) unless otherwise indicated.

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

5. Section 4300.1 of the Code states:

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

STATUTORY PROVISIONS

6. Section 482 of the Code states:

Each board under the provisions of this code shall develop criteria to evaluate the rehabilitation of a person when:

(a) Considering the denial of a license by the board under Section 480; or

(b) Considering suspension or revocation of a license under Section 490.

Each board shall take into account all competent evidence of rehabilitation furnished by the applicant or licensee.

7. Section 490 of the Code provides, in pertinent part, that a board may suspend or revoke a license on the ground that the licensee has been convicted of a crime substantially related to the qualifications, functions, or duties of the business or profession for which the license was issued.

8. Section 493 of the Code states:

Notwithstanding any other provision of law, successful completion of any diversion program under the Penal Code, or successful completion of an alcohol and drug problem assessment program under Article 5 (commencing with Section 23249.50) of Chapter 12 of Division 11 of the Vehicle Code, shall not prohibit any agency established under Division 2 (commencing with Section 500) of this code, or any initiative act referred to in that division, from taking disciplinary action against a licensee or from denying a license for professional misconduct, notwithstanding that evidence of that misconduct may be recorded in a record

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

5 9. Section 4301 of the Code states:

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

10

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

14

15 (l) The conviction of a crime substantially related to the qualifications,
16 functions, and duties of a licensee under this chapter. The record of conviction of
17 a violation of Chapter 13 (commencing with section 801) of Title 21 of the United
18 States Code regulating controlled substances or of a violation of the statutes of
19 this state regulating controlled substances or dangerous drugs shall be conclusive
20 evidence of unprofessional conduct. In all other cases, the record of conviction
21 shall be conclusive evidence only of the fact that the conviction occurred. The
22 board may inquire into the circumstances surrounding the commission of the
23 crime, in order to fix the degree of discipline or, in the case of a conviction not
24 involving controlled substances or dangerous drugs, to determine if the conviction
25 is of an offense substantially related to the qualifications, functions, and duties of
26 a licensee under this chapter. A plea or verdict of guilty or a conviction following
27 a plea of *nolo contendere* is deemed to be a conviction within the meaning of this
28 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 guilty, or setting aside
 the verdict of guilty, or dismissing the accusation, information, or indictment.

23 REGULATORY PROVISIONS

24 10. California Code of Regulations, title 16, section 1769, states:

25

26 (b) When considering the suspension or revocation of a facility or a
27 personal license on the ground that the licensee or the registrant has been
28 convicted of a crime, the board, in evaluating the rehabilitation of such person and
 his present eligibility for a license will consider the following criteria:

///

- (1) Nature and severity of the act(s) or offense(s).
- (2) Total criminal record.
- (3) The time that has elapsed since commission of the act(s) or offense(s).
- (4) Whether the licensee has complied with all terms of parole, probation, restitution or any other sanctions lawfully imposed against the licensee.
- (5) Evidence, if any, of rehabilitation submitted by the licensee.

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

For the purpose of denial, suspension, or revocation of a personal or facility license pursuant to Division 1.5 (commencing with Section 475) of the Business and Professions Code, a crime or act shall be considered substantially 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.

COST RECOVERY

12. 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 or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case, with failure of the licentiate to comply subjecting the license to not being renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be included in a stipulated settlement.

FIRST CAUSE FOR DISCIPLINE

(July 31, 2013 Criminal Conviction for Commercial Burglary on July 23, 2013)

13. Respondent has subjected her pharmacy technician registration to discipline under Code sections 490 and 4301, subdivision (l) in that she was convicted of a crime that is substantially related to the qualifications, functions, and duties of a registered pharmacy technician. The circumstances are as follows:

a. On July 31, 2013, in a criminal proceeding entitled *The People of the State of California vs. Ideesha Morris*, in Imperial County Superior Court, Brawley Courthouse West, Criminal Division Case Number JCF-31350, Respondent was convicted on her plea of no contest

1 to violating Penal Code (PC) section 459, subdivision (b), commercial burglary, which was
2 reduced to a misdemeanor pursuant to PC section 17, subdivision (b).

3 b. As a result of the conviction, on July 31, 2013, Respondent was sentenced
4 to 17 days in the Imperial County Jail, with credit for 17 days served, and granted summary
5 probation for three years. Respondent was also ordered to pay a fine and restitution.

6 c. The facts that led to the conviction are that on July 23, 2013, Respondent
7 and her sister entered a Walmart Store in Brawley, California. Once inside the establishment, the
8 women took a cart and filled it with multiple items removed from the health, beauty, and
9 accessories department. The two then proceeded to the stationery department with the cart full of
10 goods. When they left the stationery department, the two no longer had a cart but their purses
11 were full. Respondent then went past the last point of sale, and exited through the grocery
12 department without paying for the goods, amounting to about \$700.00. The security alarm
13 sounded, but neither woman stopped. They got into a waiting car driven by their mother.
14 Responding officers from the Brawley Police Department traced the getaway car to
15 Respondent's residence. The store's loss prevention officer positively identified the two sisters in
16 an infield line-up as the women who committed the burglary at the store.

17 **SECOND CAUSE FOR DISCIPLINE**

18 **(Unprofessional Conduct - Commission of Any Act Involving Moral Turpitude, Dishonesty, 19 Fraud, Deceit, or Corruption)**

20 14. Respondent has subjected her pharmacy technician registration to discipline under
21 Code section 4301, subdivision (f), in that she committed acts involving moral turpitude,
22 dishonesty, fraud, deceit, and corruption when she removed multiple items from a store and left
23 without paying for the goods, as described in paragraph 13, above.

24 **DISCIPLINARY CONSIDERATIONS**

25 15. To determine the degree of discipline, if any, to be imposed on Respondent,
26 pursuant to California Code of Regulations, title 16, section 1814, Complainant alleges that on
27 November 3, 2011, in a prior criminal proceeding entitled *The People of the State of California*
28 *vs. Indeesha Roshay Morris*, in San Bernardino County Superior Court, Fontana Courthouse,

1 Fontana District Criminal Division, Case Number FVA1101313, Respondent was convicted on
2 her plea of guilty to violating PC section 459, burglary, which was reduced to a misdemeanor
3 pursuant to PC section 17, subdivision (b). An additional misdemeanor charge for violation of
4 PC section 484, theft of personal property, was dismissed pursuant to a plea bargain.

5 16. As a result of the conviction, on November 3, 2011, Respondent was sentenced to
6 45 days in the San Bernardino County Jail Facility, with credit for one day served, and granted
7 36 months probation subject to terms and conditions. Respondent was ordered to serve 80 hours
8 in a work program and pay restitution, assessments, and fees.

9 17. On October 10, 2012, the Board issued Citation Number CI 2011 49339 against
10 Respondent for violation of Code section 4301, subdivisions (f), commission of any act
11 involving moral turpitude, dishonesty, fraud, deceit, or corruption, and (I), conviction of a crime
12 that is substantially related to the qualifications, functions, and duties of a registered pharmacy
13 technician. Respondent was fined \$100.00, which she paid.

14 **PRAYER**

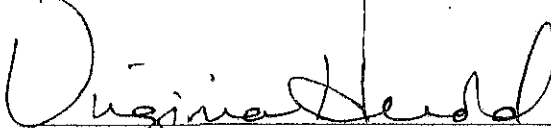
15 WHEREFORE, Complainant requests that a hearing be held on the matters herein
16 alleged, and that following the hearing, the Board of Pharmacy issue a decision:

17 1. Revoking or suspending Pharmacy Technician Registration Number TCH 98455,
18 issued to Indeesha Roshay Morris, also known as Ideesha Morris and Indeesha Morris;

19 2. Ordering Indeesha Roshay Morris to pay the Board of Pharmacy the reasonable
20 costs of the investigation and enforcement of this case, pursuant to Business and Professions
21 Code section 125.3; and

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

23
24 DATED: 5/8/14


25 VIRGINIA HEROLD
26 Executive Officer
27 Board of Pharmacy
28 Department of Consumer Affairs
State of California
Complainant

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