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

In the Matter of the Accusation Against:  
**JACE CHRISTOPHER BODDA**  
**6226 Henriles St.**  
**Lakewood, CA 90713**  
**Pharmacy Technician Registration No. TCH 85479**  
Respondent.

Case No. 5144

**DEFAULT DECISION AND  
ORDER**

[Gov. Code, §11520]

FINDINGS OF FACT

1. On or about June 14, 2014, Complainant Virginia K. Herold, in her official capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs, filed Accusation No. 5144 against Jace Christopher Bodda (Respondent) before the Board of Pharmacy. (Accusation attached as Exhibit A.)

2. On or about March 22, 2010, the Board of Pharmacy (Board) issued Pharmacy Technician Registration No. TCH 85479 to Respondent. The Pharmacy Technician Registration expired on December 21, 2011, and has not been renewed.

3. On or about July 15, 2014, Respondent was served by Certified and First Class Mail copies of the Accusation No. 5144, Statement to Respondent, Notice of Defense, Request for Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6, and 11507.7) at

1 Respondent's address of record which, pursuant to Business and Professions Code section 4100,  
2 is required to be reported and maintained with the Board. Respondent's address of record was  
3 and is:

4 6226 Henriles St.  
5 Lakewood, CA 90713.

6 4. Service of the Accusation was effective as a matter of law under the provisions of  
7 Government Code section 11505, subdivision (c) and/or Business & Professions Code  
8 section 124.

9 5. Government Code section 11506 states, in pertinent part:

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

15 6. Respondent failed to file a Notice of Defense within 15 days after service upon him  
16 of the Accusation, and therefore waived his right to a hearing on the merits of Accusation  
17 No. 5144.

18 7. California Government Code section 11520 states, in pertinent part:

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

23 8. Pursuant to its authority under Government Code section 11520, the Board finds  
24 Respondent is in default. The Board will take action without further hearing and, based on the  
25 relevant evidence contained in the Default Decision Evidence Packet in this matter, as well as  
26 taking official notice of all the investigatory reports, exhibits and statements contained therein on  
27 file at the Board's offices regarding the allegations contained in Accusation No. 5144, finds that  
28 the charges and allegations in Accusation No. 5144, are separately and severally, found to be true  
and correct by clear and convincing evidence.

9. Taking official notice of its own internal records, pursuant to Business and  
Professions Code section 125.3, it is hereby determined that the reasonable costs for Investigation

1 and Enforcement is \$2,192.50 as of October 8, 2014.

2 DETERMINATION OF ISSUES

3 1. Based on the foregoing findings of fact, Respondent Jace Christopher Bodda has  
4 subjected his Pharmacy Technician Registration No. TCH 85479 to discipline.

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

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

9 a. Business and Professions Code sections 490, 4301, subdivision (l), in conjunction  
10 with California Code of Regulations, title 16, section 1770, Conviction of a Substantially Related  
11 Crime.

12 b. Business and Professions Code section 4301, subdivision (f), Acts Involving Moral  
13 Turpitude, Dishonesty, Fraud, or Deceit.

14 ORDER

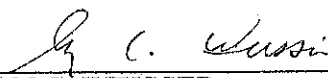
15 IT IS SO ORDERED that Pharmacy Technician Registration No. TCH 85479, heretofore  
16 issued to Respondent Jace Christopher Bodda, is revoked.

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

21 This Decision shall become effective on December 5, 2014.

22 It is so ORDERED November 5, 2014.

23 BOARD OF PHARMACY  
24 DEPARTMENT OF CONSUMER AFFAIRS  
25 STATE OF CALIFORNIA

26 By   
27 STAN C. WEISSER  
28 Board President

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DOJ Matter ID:LA2014511412  
Attachment: Exhibit A: Accusation

# Exhibit A

Accusation, Case No. 5144

1 KAMALA D. HARRIS  
Attorney General of California  
2 MARC D. GREENBAUM  
Supervising Deputy Attorney General  
3 GILLIAN E. FRIEDMAN  
Deputy Attorney General  
4 State Bar No. 169207  
300 So. Spring Street, Suite 1702  
5 Los Angeles, CA 90013  
Telephone: (213) 897-2564  
6 Facsimile: (213) 897-2804

7 *Attorneys for Complainant*

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. 5144

13 **JACE CHRISTOPHER BODDA**  
6226 Henriles St.  
14 Lakewood, CA 90713

**A C C U S A T I O N**

15 Pharmacy Technician Registration  
No. TCH 85479

16 Respondent.

17  
18 Complainant alleges:

19 **PARTIES**

20 1. Virginia K. Herold (Complainant) brings this Accusation solely in her official  
21 capacity as the Executive Officer of the California State Board of Pharmacy (Board).

22 2. On or about March 22, 2010, the Board issued Pharmacy Technician Registration  
23 No. TCH 85479 to Jace Christopher Bodda (Respondent). The Pharmacy Technician  
24 Registration expired on December 21, 2011, and has not been renewed.

25 **JURISDICTION**

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

28 ///

**STATUTORY PROVISIONS**

4. Section 490 states, in pertinent part:

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

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

"(c) A conviction within the meaning of this section means a plea or verdict of guilty or a conviction following a plea of nolo contendere. Any action that a board is permitted to take following the establishment of a conviction may be taken 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 the provisions of Section 1203.4 of the Penal Code."

5. Section 726 states:

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

6. Section 4300.1 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."

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.

1 Unprofessional conduct shall include, but is not limited to, any of the following:

2 ...

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

6 ...

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

24 ...

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

1 **REGULATORY PROVISIONS**

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

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

9 **COST RECOVERY**

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

14 **FIRST CAUSE FOR DISCIPLINE**

15 **(Convictions of a Substantially Related Crime)**

16 10. Respondent is subject to disciplinary action under sections 4301, subdivision (l) and  
17 490, in conjunction with California Code of Regulations, title 16, section 1770, in that  
18 Respondent was convicted of a crime substantially related to the qualification, functions, or duties  
19 of a pharmacy technician, as follows:

20 a. On or about October 10, 2013, after pleading nolo contendere, Respondent was  
21 convicted of three misdemeanor counts of violating Penal Code section 314, subdivision (1)  
22 [indecent exposure] in the criminal proceeding entitled *The People of the State of California v.*  
23 *Jace Bodda* (Super. Ct. L.A. County, 2013, No. 3BF00929). The Court sentenced Respondent to  
24 serve 60 days in Los Angeles County Jail, placed him under 3 years probation, with terms and  
25 conditions, and ordered him to register as a sex offender.

26 b. The circumstances surrounding the conviction are that on or about February 15, 2013,  
27 Respondent exposed his person, or the private parts thereof, in a public place, or in any place  
28 where there are present other persons to be offended or annoyed.



1 SECOND CAUSE FOR DISCIPLINE

2 (Acts Involving Moral Turpitude, Dishonesty, Fraud, or Deceit)

3 11. Respondent is subject to disciplinary action under section 4301, subdivision (f), in  
4 that Respondent committed acts involving moral turpitude, dishonesty, fraud, or deceit.  
5 Complainant refers to, and by this reference incorporates, the allegations set forth above in  
6 paragraph 11, subparagraph (b), as though set forth fully.

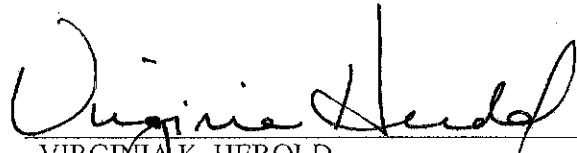
7 PRAYER

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 85479, issued
- 11 to Jace Christopher Bodda;
- 12 2. Ordering Jace Christopher Bodda 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  
16 DATED: \_\_\_\_\_

6/14/14



VIRGINIA K. HEROLD  
Executive Officer  
California State Board of Pharmacy  
State of California  
Complainant

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