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

In the Matter of the Accusation Against:  
**ELAINE MANCIA**  
**12566 Sanford Street**  
**Los Angeles, CA 90066**  
**Pharmacy Technician Registration No. TCH**  
**124458**  
  
Respondent.

Case No. 5344  
**DEFAULT DECISION AND ORDER**  
[Gov. Code, §11520]

FINDINGS OF FACT

1. On or about April 24, 2015, Complainant Virginia K. Herold, in her official capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs, filed Accusation No. 5344 against Elaine Mancía (Respondent) before the Board of Pharmacy. (Accusation attached as Exhibit A.)

2. On or about September 14, 2012, the Board of Pharmacy (Board) issued Pharmacy Technician Registration No. TCH 124458 to Respondent. The Pharmacy Technician Registration was in full force and effect at all times relevant to the charges brought in Accusation No. 5344 and will expire on February 29, 2016, unless renewed.

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///

1           3.     On or about May 6, 2015, Respondent was served by Certified and First Class Mail  
2 copies of the Accusation No. 5344, Statement to Respondent, Notice of Defense, Request for  
3 Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6, and 11507.7) at  
4 Respondent's address of record which, pursuant to Business and Professions Code section 4100,  
5 is required to be reported and maintained with the Board. Respondent's address of record was  
6 and is: 12566 Sanford Street, Los Angeles, CA 90066.

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

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

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

16          6.     Respondent failed to file a Notice of Defense within 15 days after service upon her of  
17 the Accusation, and therefore waived her right to a hearing on the merits of Accusation No. 5344.

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. 5344, finds that  
28 the charges and allegations in Accusation No. 5344, 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 Registration No. TCH 124458, heretofore issued to Respondent Elaine Mancía, 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 July 31, 2015.

It is so ORDERED July 1, 2015.

BOARD OF PHARMACY  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA



By

\_\_\_\_\_  
AMARYLIS GUTIERREZ  
Board President

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DOJ Matter ID:LA2015500006

Attachment: Exhibit A: Accusation

# Exhibit A

Accusation

(ELAINE MANCIA)

1 KAMALA D. HARRIS  
Attorney General of California  
2 LINDA L. SUN  
Supervising Deputy Attorney General  
3 HELENE SWANSON  
Deputy Attorney General  
4 State Bar No. 130426  
300 So. Spring Street, Suite 1702  
5 Los Angeles, CA 90013  
Telephone: (213) 620-3005  
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**

11 In the Matter of the Accusation Against:  
12 **ELAINE MANCIA**  
12566 Sanford Street  
13 Los Angeles, CA 90066  
14 Pharmacy Technician Registration  
No. TCH 124458  
15  
16 Respondent.

Case No. 5344

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

17  
18 Complainant alleges:

19 **PARTIES**

- 20 1. Virginia Herold (Complainant) brings this Accusation solely in her official capacity as  
21 the Executive Officer of the Board of Pharmacy (Board), Department of Consumer Affairs.  
22 2. On or about September 14, 2012, the Board issued Pharmacy Technician Registration  
23 No. TCH 124458 to Elaine Mancía (Respondent). The Pharmacy Technician Registration was in  
24 full force and effect at all times relevant to the charges brought herein and will expire on February  
25 29, 2016, unless renewed.  
26 ///  
27 ///  
28 ///

1 JURISDICTION

2 3. This Accusation is brought before the Board under the authority of the following laws.

3 All section references are to the Business and Professions Code unless otherwise indicated.

4 STATUTORY PROVISIONS

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

7 5. Section 4300.1 states:

8 The expiration, cancellation, forfeiture, or suspension of a board-issued  
9 license by operation of law or by order or decision of the board or a court of law, the  
10 placement of a license on a retired status, or the voluntary surrender of a license by a  
11 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.

12 6. Section 4301 states, in pertinent part:

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

16  
17 (f) The commission of any act involving moral turpitude, dishonesty,  
18 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.

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

23 REGULATORY PROVISIONS

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

25 For the purpose of denial, suspension, or revocation of a personal or  
26 facility license pursuant to Division 1.5 (commencing with Section 475) of the  
27 Business and Professions Code, a crime or act shall be considered substantially related  
28 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.





1 chapter. Complainant refers to, and by this reference incorporates, the allegations set forth above  
2 in Paragraph 9, inclusive, as though set forth fully.

3 **DISCIPLINE CONSIDERATIONS**

4 11. To determine the degree of discipline, if any, to be imposed on Respondent,  
5 Complainant alleges, as follows:

6 a. On or about December 17, 2009, after pleading nolo contendere, Respondent was  
7 convicted of one misdemeanor count of violating Penal Code section 484, subdivision (a) [petty  
8 theft] in the criminal proceeding entitled *The People of the State of California v. Elaine Mancía*  
9 (Super. Ct. L.A. County, 2009, No. 9SY08857). The Court sentenced Respondent to serve one  
10 day in the Los Angeles County Jail and placed her on three years' probation, among other terms  
11 and conditions.

12 b. The circumstances surrounding the conviction are that on or about July 31, 2009, on  
13 two separate occasions, Respondent was observed stealing several video games at Target.

14 **PRAYER**

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

- 17 1. Revoking or suspending Pharmacy Technician Registration Number TCH 124458,  
18 issued to Elaine Mancía;
- 19 2. Ordering Elaine Mancía to pay the Board the reasonable costs of the investigation and  
20 enforcement of this case, pursuant to section 125.3; and
- 21 3. Taking such other and further action as deemed necessary and proper.

22  
23 DATED: 4/24/15

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

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