

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

In the Matter of the Accusation Against:

**BELINDA GONZALEZ  
P.O. Box 38  
Watsonville, CA 95077**

**Pharmacy Technician Registration No. TCH 15050**

Respondent.

Case No. 5559

**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 at 5:00 p.m. on December 22, 2016.

It is so ORDERED on November 22, 2016.

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 LINDA K. SCHNEIDER  
Senior Assistant Attorney General  
3 JOSHUA A. ROOM  
Supervising Deputy Attorney General  
4 State Bar No. 214663  
455 Golden Gate Avenue, Suite 11000  
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*Attorneys for Complainant*

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10 In the Matter of the Accusation Against:

Case No. 5559

11 **BELINDA GONZALEZ**  
12 **P.O. Box 38**  
13 **Watsonville, CA 95077**

14 **Pharmacy Technician License No. TCH 15050**

15 Respondent.

**STIPULATED SURRENDER OF  
LICENSE AND ORDER**

16 In the interest of a prompt and speedy settlement of this matter, consistent with the public  
17 interest and the responsibility of the Board of Pharmacy of the Department of Consumer Affairs,  
18 the parties hereby agree to the following Stipulated Surrender and Disciplinary Order which will  
19 be submitted to the Board for approval and adoption as the final disposition of the Accusation.

20 PARTIES

21 1. Virginia Herold (Complainant), Executive Officer, Board of Pharmacy, brought this  
22 action solely in her official capacity and is represented herein by Kamala D. Harris, Attorney  
23 General of the State of California, by Joshua A. Room, Supervising Deputy Attorney General.

24 2. Belinda Gonzalez (Respondent) is representing herself in this proceeding and has  
25 chosen not to exercise her right to be represented by counsel.

26 3. On or about February 6, 1995, the Board of Pharmacy issued Pharmacy Technician  
27 License No. TCH 15050 to Belinda Gonzalez (Respondent). The License was in effect at all  
28 times relevant to the charges herein and will expire on December 31, 2016, unless renewed.



1 communicate directly with the Board regarding this stipulation and surrender, without notice to or  
2 participation by Respondent. By signing the stipulation, Respondent understands and agrees that  
3 she may not withdraw her agreement or seek to rescind the stipulation prior to the time the Board  
4 considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order,  
5 the Stipulated Surrender and Disciplinary Order shall be of no force or effect, except for this  
6 paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not  
7 be disqualified from further action by having considered this matter.

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

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

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

19 **ORDER**

20 IT IS HEREBY ORDERED that Pharmacy Technician License No. TCH 15050, issued to  
21 Respondent Belinda Gonzalez, is surrendered and accepted by the Board of Pharmacy.

22 1. The surrender of Respondent's Pharmacy Technician License and the acceptance of  
23 the surrendered license by the Board shall constitute the imposition of discipline against  
24 Respondent. This stipulation constitutes a record of the discipline and shall become a part of  
25 Respondent's license history with the Board of Pharmacy.

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

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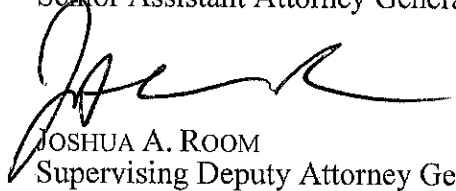
ENDORSEMENT

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: 10/25/2016

Respectfully submitted,

KAMALA D. HARRIS  
Attorney General of California  
LINDA K. SCHNEIDER  
Senior Assistant Attorney General



JOSHUA A. ROOM  
Supervising Deputy Attorney General  
*Attorneys for Complainant*

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**Exhibit A**

**Accusation No. 5559**

1 KAMALA D. HARRIS  
Attorney General of California  
2 LINDA K. SCHNEIDER  
Senior Assistant Attorney General  
3 JOSHUA A. ROOM  
Supervising Deputy Attorney General  
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12 **P.O. Box 38**  
13 **Watsonville, CA 95077**

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

14 **Pharmacy Technician License No. TCH 15050**

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 February 6, 1995, the Board of Pharmacy issued Pharmacy Technician  
21 License No. TCH 15050 to Belinda Gonzalez (Respondent). The Pharmacy Technician License  
22 was in full force and effect at all times relevant to the charges brought herein and will expire on  
23 December 31, 2016, unless renewed.

24 JURISDICTION

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

28 ///





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

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

8 9. Section 4059 of the Code, in pertinent part, prohibits furnishing of any dangerous  
9 drug or dangerous device except upon the prescription of an authorized prescriber.

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

12 11. Health and Safety Code section 11170 provides that no person shall prescribe,  
13 administer, or furnish a controlled substance for himself or herself.

14 12. Health and Safety Code section 11173, subdivision (a), provides that no person shall  
15 obtain or attempt to obtain controlled substances, or procure or attempt to procure the  
16 administration of or prescription for controlled substances, (1) by fraud, deceit, misrepresentation,  
17 or subterfuge; or (2) by the concealment of a material fact.

18 13. Health and Safety Code section 11350, in pertinent part, makes it unlawful to possess  
19 any controlled substance listed in Schedule II (Health and Safety Code section 11055),  
20 subdivision (b) or (c), or any narcotic drug in Schedules III-V, absent a valid prescription.

21 COST RECOVERY

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

25 CONTROLLED SUBSTANCES / DANGEROUS DRUGS

26 15. Section 4021 of the Code states:

27 "'Controlled substance' means any substance listed in Chapter 2 (commencing with Section  
28 11053) of Division 10 of the Health and Safety Code."



1           21. The exact number of instances of diversion/theft by Respondent, and the full quantity  
2 of controlled substances or dangerous drugs diverted/stolen by Respondent, are not known, but in  
3 the course of investigations conducted by the pharmacy, by police, and by the Board of Pharmacy,  
4 the following were among the observations, admissions, and revelations reported:

5           a. On or about September 21, 2013, Respondent engaged in behavior arousing the  
6 suspicion of a pharmacist supervisor, whereby she claimed she had poured the contents of a  
7 return-to-stock container of **Soma/carisprodol** into a manufacturer's stock bottle of same. As a  
8 result, Walgreens Pharmacy supervisors/investigators reviewed surveillance video.

9           b. Review of the surveillance video revealed Respondent pocketing a vial into  
10 which she had poured some portion of the **Soma/carisoprodol** before return to the pharmacist.

11           c. On or about September 21, 2013, Respondent was interviewed by Walgreens  
12 Pharmacy supervisors/investigators and admitted to taking/diverting/stealing thirty (30) tablets of  
13 **Soma/carisoprodol** for her personal use. She could not appropriately explain this behavior.

14           d. On or about September 21, 2013, Respondent also wrote and signed a written  
15 statement admitting to her conduct in diverting the thirty (30) tablets of **Soma/carisprodol**.

16           e. On or about September 23, 2013, Seaside Police Department conducted an  
17 investigation of the incident. During an interview with the officer(s), Respondent repeated her  
18 admission of the theft of the thirty (30) **Soma/carisoprodol** tablets, and offered "no excuse."

19           f. Audit(s) of the dangerous drug/controlled substance stock of the Walgreens  
20 Pharmacy where Respondent worked revealed shortages experienced during the audit period from  
21 June 9, 2013 to September 29, 2013 of approximately 1,435 to 1,585 tablets of **carisoprodol 350**  
22 **mg**, as well as approximately 550 to 802 tablets of **Hydrocodone with APAP 7.5/325 mg**, and  
23 approximately 123 to 561 tablets of **Hydrocodone with APAP 10/325 mg**.

24           22. The Seaside Police Department discovered during the 2013 investigation that there  
25 was also a prior 2011 investigation of Respondent by the Watsonville Police Department. That  
26 prior 2011 investigation included the following observations, admissions, and revelations:

27           a. On or about June 27, 2011, Watsonville Police responded to a Kmart Pharmacy  
28 (PHY 39321) report of a possible fraudulent prescription incident involving Respondent.





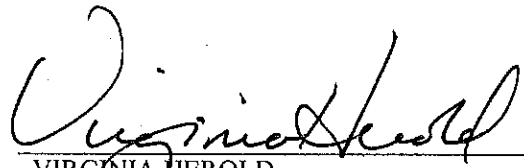
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PRAYER

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

1. Revoking or suspending Pharmacy Technician License Number TCH 15050, issued to Belinda Gonzalez (Respondent);
2. Ordering Respondent to pay the Board the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;
3. Taking such other and further action as is deemed necessary and proper.

DATED: 2/29/16



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

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