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

In the Matter of the Accusation Against:  
**JANCY ALEXIA CRUZ**  
1219 N. Ardmore Ave., #3  
Los Angeles, CA 90029  
  
Pharmacy Technician Registration  
No. TCH 145532  
  
Respondent.

Case No. 5596  
**DEFAULT DECISION AND ORDER**  
  
[Gov. Code, §11520]

FINDINGS OF FACT

1. On or about October 20, 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. 5596 against Jancy Alexia Cruz (Respondent) before the Board of Pharmacy. (Accusation attached as Exhibit A.)

2. On or about January 14, 2015, the Board of Pharmacy (Board) issued Pharmacy Technician Registration No. TCH 145532 to Respondent. The Pharmacy Technician Registration was in full force and effect at all times relevant to the charges brought in Accusation No. 5596 and will expire on November 30, 2016, unless renewed.

///

1           3.    On or about October 28, 2015, Respondent was served by Certified and First Class  
2 Mail copies of the Accusation No. 5596, Statement to Respondent, Notice of Defense, Request  
3 for Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6, and  
4 11507.7) at Respondent's address of record which, pursuant to Business and Professions Code  
5 section 4100, is required to be reported and maintained with the Board. Respondent's address of  
6 record was and is: 1219 N. Ardmore Ave., #3, Los Angeles, CA 90029.

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. 5596.

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. 5596, finds that  
28 the charges and allegations in Accusation No. 5596, 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 145532, heretofore issued to Respondent Jancy Alexia Cruz, 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 March 17, 2016.

It is so ORDERED February 16, 2016.

BOARD OF PHARMACY  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA



By \_\_\_\_\_

Amy Gutierrez, Pharm.D.  
Board President

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DOJ Matter ID:LA2015502052

Attachment:  
Exhibit A: Accusation

# Exhibit A

Accusation

(JANCY ALEXIA CRUZ)

1 KAMALA D. HARRIS  
Attorney General of California  
2 LINDA K. SCHNEIDER  
Senior Assistant Attorney General  
3 THOMAS L. RINALDI  
Supervising Deputy Attorney General  
4 State Bar No. 206911  
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5 Los Angeles, CA 90013  
Telephone: (213) 897-2541  
6 Facsimile: (213) 897-2804

7 *Attorneys for Complainant*

8 **BEFORE THE**  
9 **BOARD OF PHARMACY**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
**STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:  
12 **JANCY ALEXIA CRUZ**  
1219 N. Ardmore Ave., #3  
13 Los Angeles, CA 90029  
14 Pharmacy Technician Registration  
No. TCH 145532  
15  
16 Respondent.

Case No. 5596

**ACCUSATION**

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 January 14, 2015, the Board issued Pharmacy Technician Registration  
23 No. TCH 145532 to Jancy Alexia Cruz (Respondent). The Pharmacy Technician Registration was  
24 in full force and effect at all times relevant to the charges brought herein and will expire on  
25 November 30, 2016, unless renewed.

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

#### 16 REGULATORY PROVISIONS

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

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

#### 24 COST RECOVERY

25 9. Section 125.3 provides, in pertinent part, that the Board may request the  
26 administrative law judge to direct a licentiate found to have committed a violation or violations of  
27 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
28 enforcement of the case, with failure of the licentiate to comply subjecting the license to not being

1 renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be  
2 included in a stipulated settlement.

3 **FIRST CAUSE FOR DISCIPLINE**

4 **(Conviction of a Substantially Related Crime)**

5 10. Respondent is subject to disciplinary action under sections 4301, subdivision (l) and  
6 490, in conjunction with California Code of Regulations, title 16, section 1770, in that Respondent  
7 was convicted of a crime substantially related to the qualifications, functions or duties of a  
8 pharmacy technician as follows:

9 a. On or about April 23, 2015, after pleading guilty, Respondent was convicted of one  
10 felony count of violating Penal Code section 550, subdivision (b)(1) [present false claim for  
11 payment] in the criminal proceeding entitled *The People of the State of California v. Jancy Alexia*  
12 *Cruz* (Super. Ct. L.A. County, 2015, No. PA082837). The Court sentenced Respondent to serve  
13 4 days in jail and placed her on 3 years probation, with terms and conditions.

14 b. The circumstances surrounding the conviction are that in or between 2011 and  
15 November 2013, Respondent conspired to commit insurance fraud by staging automobile accidents  
16 and submitting false claims.

17 **SECOND CAUSE FOR DISCIPLINE**

18 **(Acts Involving Dishonesty, Fraud, or Deceit)**

19 11. Respondent is subject to disciplinary action under section 4301, subdivision (f), on the  
20 grounds of unprofessional conduct, in that Respondent committed acts involving dishonesty, fraud,  
21 deceit, or corruption with the intent to substantially benefit herself, or substantially injure another.  
22 Complainant refers to, and by reference incorporates, the allegations set forth above in paragraph  
23 10, as though set forth fully.

24 **THIRD CAUSE FOR DISCIPLINE**

25 **(Knowingly Making a False Statement of Fact)**

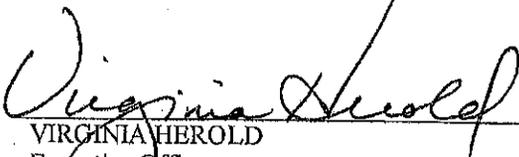
26 12. Respondent is subject to disciplinary action under section 4301, subdivision (g), on the  
27 grounds of unprofessional conduct, in that Respondent knowingly made a false statement of fact  
28 when she submitted a claim to her insurance company for accidents that had been staged.

1 Complainant refers to, and by reference incorporates, the allegations set forth above in paragraph  
2 10, as though set forth fully.

3 **PRAYER**

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

- 6 1. Revoking or suspending Pharmacy Technician Registration No. TCH 145532, issued  
7 to Jancy Alexia Cruz;
- 8 2. Ordering Jancy Alexia Cruz to pay the Board of Pharmacy the reasonable costs of the  
9 investigation and enforcement of this case, pursuant to section 125.3; and
- 10 3. Taking such other and further action as deemed necessary and proper.

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13 DATED: 10/20/15 

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

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