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

In the Matter of the Accusation Against:  
**JEREMY RAY HALL**  
16818 Downey Ave Apt 52  
Paramount, CA 90723-5635  
  
Pharmacy Technician Registration No. TCH  
141767  
  
Respondent.

Case No. 5689  
**DEFAULT DECISION AND ORDER**  
[Gov. Code, §11520]

**FINDINGS OF FACT**

1. On or about April 4, 2016, Complainant Virginia K. Herold, in her official capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs, filed Accusation No. 5689 against Jeremy Ray Hall ("Respondent") before the Board of Pharmacy. (Accusation attached as Exhibit A.)
2. On or about August 15, 2014, the Board of Pharmacy ("Board") issued Pharmacy Technician Registration No. TCH 141767 to Respondent. The Pharmacy Technician Registration expired on February 29, 2016, and has not been renewed.
3. On or about April 12, 2016, Respondent was served by Certified and First Class Mail copies of the Accusation No. 5689, 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: 16818 Downey Ave Apt 52, Paramount, CA 90723-5635.

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

7 5. On or about April 29, 2016, the aforementioned documents were returned by the U.S.  
8 Postal Service marked "Attempted-Not Known; Unable to Forward."

9 6. Government Code section 11506(c) 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  
12 parts of the accusation . . . not expressly admitted. Failure to file a notice of defense  
13 . . . shall constitute a waiver of respondent's right to a hearing, but the agency in its  
14 discretion may nevertheless grant a hearing.

15 7. 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 No.  
17 5689.

18 8. California Government Code section 11520(a) states, in pertinent part:

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

23 9. 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. 5689, finds that  
28 the charges and allegations in Accusation No. 5689, 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 141767, heretofore issued to Respondent Jeremy Ray Hall, 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 8, 2016.

It is so ORDERED on June 8, 2016.

BOARD OF PHARMACY  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA



By

\_\_\_\_\_  
Amy Gutierrez, Pharm.D.  
Board President

52084783.DOC  
DOJ Matter ID:LA2015604446

Attachment:  
Exhibit A: Accusation

# Exhibit A

Accusation

(JEREMY RAY HALL)

1 KAMALA D. HARRIS  
Attorney General of California  
2 LINDA K. SCHNEIDER  
Senior Assistant Attorney General  
3 ARMANDO ZAMBRANO  
Supervising Deputy Attorney General  
4 State Bar No. 225325  
300 So. Spring Street, Suite 1702  
5 Los Angeles, CA 90013  
Telephone: (213) 897-2542  
6 Facsimile: (213) 897-2804  
*Attorneys for Complainant*  
7

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

11 In the Matter of the Accusation Against:  
12 **JEREMY RAY HALL**  
13 **16818 Downey Ave., #52**  
**Paramount, CA 90723**  
14 **Pharmacy Technician Registration**  
15 **No. TCH 141767**  
16 Respondent.

Case No. 5689  
**ACCUSATION**

17 Complainant alleges:

18 **PARTIES**

- 19 1. Virginia Herold (Complainant) brings this Accusation solely in her official  
20 capacity as the Executive Officer of the Board of Pharmacy (Board), Department of Consumer  
21 Affairs.  
22 2. On August 15, 2014, the Board issued Pharmacy Technician Registration Number  
23 TCH 141767 to Jeremy Ray Hall (Respondent). The Pharmacy Technician Registration expired  
24 on February 29, 2016, 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 (Code) unless otherwise  
28 indicated.

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

5. Code 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.

**STATUTORY PROVISIONS**

6. Code section 482 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. Code section 490 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. Code section 493 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 pertaining to an arrest. This section shall not be construed to apply to any drug diversion program operated by any agency established under Division 2 (commencing with Section 500) of this code, or any initiative act referred to in that division.

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9. Section 4301 of the Code states:

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

...

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

(g) Knowingly making or signing any certificate or other document that falsely represents the existence or nonexistence of a state of facts.

...

(l) The conviction of a crime substantially related to the qualifications, functions, and duties of a licensee under this chapter. The record of conviction of a violation of Chapter 13 (commencing with Section 801) of Title 21 of the United States Code regulating controlled substances or of a violation of the statutes of this state regulating controlled substances or dangerous drugs shall be conclusive evidence of unprofessional conduct. In all other cases, the record of conviction shall be conclusive evidence only of the fact that the conviction occurred. The board may inquire into the circumstances surrounding the commission of the crime, in order to fix the degree of discipline or, in the case of a conviction not involving controlled substances or dangerous drugs, to determine if the conviction is of an offense substantially related to the qualifications, functions, and duties of a licensee under this chapter. A plea or verdict of guilty or a conviction following a plea of nolo contendere is deemed to be a conviction within the meaning of this 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.

....

**REGULATORY PROVISIONS**

10. California Code of Regulations, title 16, section 1769, states, in pertinent part:

...

(b) When considering the suspension or revocation of a facility or a personal license on the ground that the licensee or the registrant has been 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 (1) Nature and severity of the act(s) or offense(s).
- 2 (2) Total criminal record.
- 3 (3) The time that has elapsed since commission of the act(s) or  
4 offense(s).
- 5 (4) Whether the licensee has complied with all terms of parole,  
6 probation, restitution or any other sanctions lawfully imposed against the licensee.
- 7 (5) Evidence, if any, of rehabilitation submitted by the licensee.

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

8 For the purpose of denial, suspension, or revocation of a personal or  
9 facility license pursuant to Division 1.5 (commencing with Section 475) of the  
10 Business and Professions Code, a crime or act shall be considered substantially  
11 related to the qualifications, functions or duties of a licensee or registrant if to a  
12 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.

13 **COST RECOVERY**

14 12. Code section 125.3 provides, in pertinent part, that the Board may request the  
15 administrative law judge to direct a licentiate found to have committed a violation or violations  
16 of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
17 enforcement of the case, with failure of the licentiate to comply subjecting the license to not  
18 being renewed or reinstated. If a case settles, recovery of investigation and enforcement costs  
19 may be included in a stipulated settlement.

20 **FIRST CAUSE FOR DISCIPLINE**

21 **(July 21, 2015 Conviction for Grand Theft from March 1, 2012 to August 31, 2012)**

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

25 a. On July 21, 2015, in a criminal proceeding entitled *The People of the State*  
26 *of California vs. Jeremy Ray Hall*, in Orange County Superior Court, North Justice Center,  
27 Criminal Division Case Number 15NF1675, Respondent was convicted on his plea of guilty of  
28 violating Penal Code (PC) section 487, subdivision (a), grand theft, a felony. Respondent

1 admitted and the court found true the allegation that in the commission of grand theft, Respondent  
2 intentionally took, damaged, and destroyed property of a value exceeding \$65,000.00, a  
3 sentencing enhancement under PC section 12022.6, subdivision (a)(1).

4 b. As a result of the conviction, on August 10, 2015, Respondent was  
5 sentenced to 210 days in the Orange County Jail, with credit for 49 days actually served and 49  
6 days for good behavior, and granted five years formal probation under certain terms and  
7 conditions. Respondent was ordered to pay fines, assessments, fees, and restitution, with credit  
8 for the equivalent amount of one day actually served. Respondent was also ordered to provide a  
9 biological sample under PC sections 296 and 296.1.

10 c. The facts that led to the conviction are that on and between January 1,  
11 2012 and August 31, 2012, while employed by Prime Healthcare Services, Inc. (PHSI) and  
12 assigned as a cashier with West Anaheim Medical Center (WAMC), Huntington Beach Hospital  
13 (HBH), and La Palma Intercommunity Hospital (LPIH), all in Orange County, California,  
14 \$72,776.32 was discovered missing from Respondent's cash receipts from the cafeterias of HBH  
15 and LPIH. The circumstances are that on August 20, 2012, the regional controller of PHSI noted  
16 that receipts from the cafeterias of both HBH and LPIH were significantly diminished compared  
17 to prior years, starting March 2012 to August 2012. The regional controller examined the journal  
18 entries prepared by Respondent and compared them to the carbon copies retained by the  
19 accounting offices of HBH and LPIH. The regional controller discovered that some of the  
20 journal entries reviewed and entered into the summary cash reconciliation by Respondent had  
21 been altered with correction fluid. The alterations were made to deposit entries, reducing the  
22 original amount. The alterations consistently showed up in the journal pages that were processed  
23 by Respondent, month after month, from March to August 2012. Only Respondent had a key to  
24 the cash deposit bags that also contained the original deposit tickets indicating the cash amount.  
25 Only Respondent prepared the summary cash reconciliation reports for the deposit bags which  
26 was corroborated by computer records. It was against company standards and practice to alter  
27 journals with correction fluid, and Respondent was obligated to report any such alterations to the  
28 regional controller, Respondent never made any such report. It was determined that during the

1 months of March to August 2012, deposits totaling \$37,198.24 had been stolen from HBH and  
2 \$35,578.08 had been stolen from LPIH. When confronted by the regional controller, Respondent  
3 did not deny that he had stolen the money. Computer logs were examined and confirmed that  
4 Respondent was the user during all incidents of the theft.

5 **SECOND CAUSE FOR DISCIPLINE**

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

8 14. Respondent is subject to discipline under Code section 4301, subdivision (f), in  
9 that he committed acts involving moral turpitude, dishonesty, fraud, deceit, and corruption when  
10 she stole \$72,776.32 from his employer, Prime Healthcare Services, Inc., as described in  
11 paragraph 13, above, and incorporated herein by this reference.

12 **THIRD CAUSE FOR DISCIPLINE**

13 **(Unprofessional Conduct - Making Any Document that Falsely Represented the Existence  
14 of a State of Facts)**

15 15. Respondent is subject to discipline under Code section 4301, subdivision (g), in  
16 that he committed acts involving making of documents that falsely represented the existence of a  
17 state of facts when he altered journal entries, that originally indicated the amount of money in a  
18 cash bag, with correction fluid. Respondent would then steal some money and indicate only the  
19 amount of money left in the summary cash reconciliation record, as described in paragraph 13,  
20 above, and incorporated herein by this reference.

21 **PRAYER**

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

24 1. Revoking or suspending Pharmacy Technician Registration Number TCH  
25 141767, issued to Jeremy Ray Hall;

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2. Ordering Jeremy Ray Hall to pay the Board of Pharmacy the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3; and

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

DATED: 4/4/16

*Virginia Herold*

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

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