

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

In the Matter of the Accusation Against:

Case No. 5699

ELIZABETH HELEN GIL
500 S. Broadway
Los Angeles, CA 90013

Mailing:
536 W. 113th Street
Los Angeles, CA 90044
Pharmacy Technician Registration No. TCH
76948

Respondent.

DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary 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 May 4, 2017.

It is so ORDERED on April 4, 2017.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA



By

Amy Gutierrez, Pharm.D.
Board President

1 XAVIER BECERRA
Attorney General of California
2 MARC D. GREENBAUM
Supervising Deputy Attorney General
3 CHRISTINA THOMAS
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4 300 So. Spring Street, Suite 1702
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5 Telephone: (213) 897-2557
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6 *Attorneys for Complainant*

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

10 In the Matter of the Accusation Against:

Case No. 5699

11 **ELIZABETH HELEN GIL**
12 **500 S. Broadway**
Los Angeles, CA 90013

STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER FOR PUBLIC
REPROVAL

13 **Mailing:**
14 **536 W. 113th Street**
Los Angeles, CA 90044
15 **Pharmacy Technician Registration No. TCH**
76948

[Bus. & Prof. Code § 495]

16 Respondent.

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19 **IT IS HEREBY STIPULATED AND AGREED** by and between the parties to the above-
20 entitled proceedings that the following matters are true:

21 Respondent is subject to disciplinary action under Code section 4301, subsections (f) and
22 (l), in that she has been convicted of crimes substantially related to the qualifications, functions,
23 and duties of a licensee. The circumstances are as follows:

24 On or about October 27, 2015, in Los Angeles Superior Court case number TA137573,
25 Respondent was convicted of having violated California Penal Code section 273a(a) (infliction of
26 harm on a child), a felony. The conviction is based on an incident which occurred on or about
27 June 1, 2015,
28

1 PARTIES

2 1. Virginia Herold (Complainant) is the Executive Officer of the Board of Pharmacy
3 (Board). She brought this action solely in her official capacity and is represented in this matter by
4 Xavier Becerra Attorney General of the State of California, by Christina Thomas, Deputy
5 Attorney General.

6 2. Respondent Elizabeth Helen Gil (Respondent) is representing herself in this
7 proceeding and has chosen not to exercise her right to be represented by counsel.

8
9 JURISDICTION

10
11 3. On or about July 30, 2007, the Board issued Pharmacy Technician Registration No.
12 TCH 76948 to Elizabeth Helen Gil. The Pharmacy Technician Registration was in full force and
13 effect at all times relevant to the charges brought in Accusation No. 5699 and will expire on
14 December 31, 2018, unless renewed.

15 4. Accusation No. 5699 was filed before the Board of Pharmacy, Department of
16 Consumer Affairs and is currently pending against Respondent. The Accusation and all other
17 statutorily required documents were properly served on Respondent on June 1, 2016. Respondent
18 timely filed her Notice of Defense contesting the Accusation. A copy of Accusation No. 5699 is
19 attached as exhibit A and incorporated herein by reference.

20 ADVISEMENT AND WAIVERS

21 5. Respondent has carefully read, and understands the charges and allegations in
22 Accusation No. 5699. Respondent has also carefully read, and understands the effects of this
23 Stipulated Settlement and Disciplinary Order for Public Repeval.

24 6. Respondent is fully aware of her legal rights in this matter, including the right to a
25 hearing on the charges and allegations in the Accusation; the right to be represented by counsel at
26 her own expense; the right to confront and cross-examine the witnesses against her; the right to
27 present evidence and to testify on her own behalf; the right to the issuance of subpoenas to
28 compel the attendance of witnesses and the production of documents; the right to reconsideration

1 and court review of an adverse decision; and all other rights accorded by the California
2 Administrative Procedure Act and other applicable laws.

3 7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and
4 every right set forth above.

5 CULPABILITY

6 8. Respondent admits the truth of each and every charge and allegation in Accusation
7 No. 5699.8. Respondent agrees that her Pharmacy Technician Registration is subject to discipline
8 and she agrees to be bound by the Disciplinary Order below.

9 CONTINGENCY

10 9. This stipulation shall be subject to approval by the Board of Pharmacy. Respondent
11 understands and agrees that counsel for Complainant and the staff of the Board of Pharmacy may
12 communicate directly with the Board regarding this stipulation and settlement, without notice to
13 or participation by Respondent. By signing the stipulation, Respondent understands and agrees
14 that she may not withdraw her agreement or seek to rescind the stipulation prior to the time the
15 Board considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and
16 Order, the Stipulated Settlement and Disciplinary Order for Public Repeval shall be of no force
17 or effect, except for this paragraph, it shall be inadmissible in any legal action between the
18 parties, and the Board shall not be disqualified from further action by having considered this
19 matter.

20 10. The parties understand and agree that Portable Document Format (PDF) and facsimile
21 copies of this Stipulated Settlement and Disciplinary Order for Public Repeval, including
22 Portable Document Format (PDF) and facsimile signatures thereto, shall have the same force and
23 effect as the originals.

24 11. This Stipulated Settlement and Disciplinary Order for Public Repeval is intended by
25 the parties to be an integrated writing representing the complete, final, and exclusive embodiment
26 of their agreement. It supersedes any and all prior or contemporaneous agreements,
27 understandings, discussions, negotiations, and commitments (written or oral). This Stipulated
28 Settlement and Disciplinary Order for Public Repeval may not be altered, amended, modified,

facsimile copies of this Stipulated Settlement and Disciplinary Order for Public Repeval, including Portable Document Format (PDF) and facsimile signatures thereto, shall have the same force and effect as the originals.

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

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

DISCIPLINARY ORDER

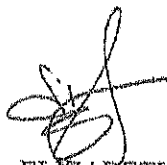
IT IS HEREBY ORDERED that Pharmacy Technician Registration No. TCH 76948 issued to Respondent Elizabeth Helen Gil shall be publicly reprovved by the Board of Pharmacy under Business and Professions Code section 493 in resolution of Accusation No. 5699, attached as exhibit A.

Cost Recovery. Respondent shall pay \$1,490 to the Board for its costs associated with the investigation and enforcement of this matter. Respondent shall be permitted to pay these costs in a payment plan approved by the Board. If Respondent fails to pay the Board costs as ordered, Respondent shall not be allowed to renew her Pharmacy Technician Registration until Respondent pays costs in full.

ACCEPTANCE

I have carefully read the Stipulated Settlement and Disciplinary Order for Public Repeval. I understand the stipulation and the effect it will have on my Pharmacy Technician Registration. I enter into this Stipulated Settlement and Disciplinary Order for Public Repeval voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board of Pharmacy.

DATED:

 2/14/17
ELIZABETH HELEN GIL
Respondent

ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order for Public Repeval is hereby respectfully submitted for consideration by the Board of Pharmacy of the Department of Consumer Affairs.

Dated: Respectfully submitted,

XAVIER BECERRA
Attorney General of California
MARC D. GREENBAUM
Supervising Deputy Attorney General

CHRISTINA THOMAS

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ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order for Public Repeval is hereby respectfully submitted for consideration by the Board of Pharmacy of the Department of Consumer Affairs.

Dated: 2/13/17

Respectfully submitted,

XAVIER BECERRA
Attorney General of California
MARC D. GREENBAUM
Supervising Deputy Attorney General


CHRISTINA THOMAS
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Accusation No. 5699

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

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:

Case No. 5699

12 **ELIZABETH HELEN GIL**
13 500 S. Broadway
Los Angeles, CA 90013

A C C U S A T I O N

14 Pharmacy Technician Registration No. TCH
15 76948

16 Respondent.

17 Complainant alleges:

18 **PARTIES**

19 1. Virginia Herold (Complainant) brings this Accusation solely in her official capacity
20 as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs.

21 2. On or about July 30, 2007, the Board of Pharmacy issued Pharmacy Technician
22 Registration Number TCH 76948 to Elizabeth Helen Gil (Respondent). The Pharmacy
23 Technician Registration was in full force and effect at all times relevant to the charges brought
24 herein and will expire on December 31, 2016, unless renewed.

25 **JURISDICTION**

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

1 4. Section 4011 of the Code provides that the Board shall administer and enforce both
2 the Pharmacy Law [Bus. & Prof. Code, § 4000 et seq.] and the Uniform Controlled Substances
3 Act [Health & Safety Code, § 11000 et seq.].

4 5. Section 4300 of the Code provides that every license issued by the Board may be
5 suspended or revoked.

6 STATUTORY AND REGULATORY PROVISIONS

7 6. Section 4301 of the Code provides, in pertinent part, that the Board shall take action
8 against any holder of a license who is guilty of "unprofessional conduct," defined to include, but
9 not be limited to, any of the following:

10 ...

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

14 ...

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

1 the Penal Code allowing the person to withdraw his or her plea of guilty and to enter a plea of not
2 guilty, or setting aside the verdict of guilty, or dismissing the accusation, information, or
3 indictment.

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5 **COST RECOVERY**

6 7. Section 125.3 of the Code provides, in pertinent part, that a Board may request the
7 administrative law judge to direct a licentiate found to have committed a violation or violations of
8 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
9 enforcement of the case.

10 **FIRST CAUSE FOR DISCIPLINE**

11 (Criminal Conviction)

12 8. Respondent is subject to disciplinary action under Code section 4301, subsection (I),
13 in that she has been convicted of crimes substantially related to the qualifications, functions, and
14 duties of a licensee. The circumstances are as follows:

15 9. On or about October 27, 2015, in Los Angeles Superior Court case number
16 TA137573, Respondent was convicted of having violated California Penal Code section 273a(a)
17 (infliction of harm on a child), a felony.

18 a. The conviction is based on an incident which occurred on or about June 1, 2015,
19 during which Respondent whipped a 9-year old child with a belt between 15 and 20 times until
20 the child confessed about taking six dollars to buy ice cream. The Respondent also punched the
21 child multiple times in the upper back with a closed fist. The abuse resulted in noticeable injury.

22 **SECOND CAUSE FOR DISCIPLINE**

23 (Acts of Moral Turpitude)

24 10. Respondent is subject to disciplinary action under Code section 4301, subsection (f),
25 in that she has committed acts of moral turpitude, as set forth above in paragraph 9.

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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 Registration Number TCH 76948, issued to Elizabeth Helen Gil;
2. Ordering Elizabeth Helen Gil 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;
3. Taking such other and further action as deemed necessary and proper.

DATED: 6/10/16 Virginia Herold
VIRGINIA HEROLD
Executive Officer
Board of Pharmacy
Department of Consumer Affairs
State of California
Complainant

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