

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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

In the Matter of the Accusation Against:

Case No. 5821

**VINNESSA A. ROBERTS
230 Fairgrounds Drive
Sacramento, CA 95817**

DEFAULT DECISION AND ORDER

**Pharmacy Technician Registration No.
TCH 122058**

[Gov. Code, §11520]

Respondent.

FINDINGS OF FACT

1. On or about September 27, 2016, Complainant Virginia K. Herold (Complainant), in her official capacity as the Executive Officer of the Board of Pharmacy (Board), Department of Consumer Affairs, filed Accusation No. 5821 against Vinnessa A. Roberts (Respondent) before the Board. A true and correct copy of the Accusation is attached as Exhibit A and by this reference incorporated herein as though set forth at length.

2. On or about March 14, 2013, the Board issued Pharmacy Technician Registration No. TCH 122058 to Vinnessa A. Roberts. The Pharmacy Technician Registration was in full force and effect at all times relevant to the charges brought in Accusation No. 5821. The Registration expired on October 31, 2016, and has not been renewed. Pursuant to Business and Professions Code section 118(b) the expiration of the Registration does not deprive the Board of its authority to institute or continue this disciplinary proceeding.

3. On or about October 11, 2016, Respondent was served by Certified and First Class Mail copies of the Accusation No. 5821, Statement to Respondent, Notice of Defense, Request for Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6, and 11507.7) at Respondent's address of record which, pursuant to Business and Professions Code

1 section 4100, is required to be reported and maintained with the Board. Respondent's address of
2 record was and is:

3 230 Fairgrounds Drive
4 Sacramento, CA 95817.

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

7 5. On or about December 1, 2016 a letter was mailed first class, postage prepaid, to
8 Respondent warning that her default would be taken if she did not submit a responsive pleading.
9 The letter was not returned.

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

16 7. Respondent failed to file a Notice of Defense within 15 days after service upon her of
17 the Accusation or after written notification her default would be entered and therefore waived her
18 right to a hearing on the merits of Accusation No. 5821.

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

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

24 9. Pursuant to its authority under Government Code section 11520, the Board finds
25 Respondent is in default. The Board will take action without further hearing and, based on the
26 relevant evidence contained in the Default Decision Evidence Packet in this matter, as well as
27 taking official notice of all the investigatory reports, exhibits and statements contained therein on
28 file at the Board's offices regarding the allegations contained in Accusation No. 5821, finds that
the charges and allegations in Accusation No. 5821, are jointly and severally, found to be true and
correct by clear and convincing evidence.

///

10. Taking official notice of its internal records, pursuant to Business and Professions Code section 125.3, the Board finds the reasonable costs for Investigation and Enforcement is \$2,500.00 as of January 9, 2017.

DETERMINATION OF ISSUES

1. Based on the foregoing findings of fact, Respondent Vinnessa A. Roberts has subjected her Pharmacy Technician Registration No. TCH 122058 to discipline.

2. The agency has jurisdiction to adjudicate this case by default.

3. The Board of Pharmacy is authorized to revoke Respondent's Pharmacy Technician Registration based upon the following violations alleged in the Accusation which are supported by the evidence contained in the Default Decision Evidence Packet in this case.:

a. Violation of Business and Professions Code section 4301(l); Conviction of a Crime substantially related to the duties, responsibilities and qualifications of a pharmacy technician. Respondent was convicted by the court for violation of Penal Code section 530.5(c)(3) Identity Theft involving over thirty-five (35) victims.

b. Violation of Business and Professions Code section 4301(f); commission of acts involving moral turpitude, dishonesty, fraud, deceit or corruption.

///

///

///

///

///

///

///

///

///

///

///

///

ORDER

IT IS ORDERED that Pharmacy Technician Registration No. TCH 122058, issued to Respondent Vinnessa A. Roberts, 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 at 5:00 p.m. on April 7, 2017.

It is so ORDERED on March 8, 2017.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA



By

Amy Gutierrez, Pharm.D.
Board President

12552218.DOCX
DOJ Matter ID:SA2016101766

Attachment:
Exhibit A: Accusation

Exhibit A

Accusation

(VINNESSA A. ROBERTS)

1 KAMALA D. HARRIS
Attorney General of California
2 JANICE K. LACHMAN
Supervising Deputy Attorney General
3 BRIAN S. TURNER
Deputy Attorney General
4 State Bar No. 108991
1300 I Street, Suite 125
5 P.O. Box 944255
Sacramento, CA 94244-2550
6 Telephone: (916) 445-0603
Facsimile: (916) 327-8643
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:

Case No. 5821

12 **VINNESSA A. ROBERTS**
230 Fairgrounds Drive
13 Sacramento, CA 95817

ACCUSATION

14 **Pharmacy Technician Registration No. TCH**
15 **122058**

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 ("Board"), Department of Consumer Affairs.

21 2. On or about March 14, 2013, the Board issued Pharmacy Technician Registration
22 Number TCH 122058 to Vinnessa A. Roberts ("Respondent"). The pharmacy technician
23 registration was in full force and effect at all times relevant to the charges brought herein and will
24 expire on October 31, 2016, unless renewed.

25 **JURISDICTION/STATUTORY PROVISIONS**

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.

1 4. Code section 4300 states, in pertinent part:

2 (a) Every license issued may be suspended or revoked.

3 (b) The board shall discipline the holder of any license issued by the
4 board, whose default has been entered or whose case has been heard by the board and
found guilty, by any of the following methods:

5 (1) Suspending judgment.

6 (2) Placing him or her upon probation.

7 (3) Suspending his or her right to practice for a period not exceeding one
8 year.

9 (4) Revoking his or her license.

10 (5) Taking any other action in relation to disciplining him or her as the
board in its discretion may deem proper . . .

11 5. Code section 4300.1 states:

12 The expiration, cancellation, forfeiture, or suspension of a board-issued
13 license by operation of law or by order or decision of the board or a court of law, the
14 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
15 investigation of, or action or disciplinary proceeding against, the licensee or to render
a decision suspending or revoking the license.

16 6. Code section 4301 states, in pertinent part:

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

20

21 (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
22 a licensee or otherwise, and whether the act is a felony or misdemeanor or not.

23

24 (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
25 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
26 state regulating controlled substances or dangerous drugs shall be conclusive
evidence of unprofessional conduct. In all other cases, the record of conviction shall
27 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
28 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

1 substantially related to the qualifications, functions, and duties of a licensee under this
2 chapter. A plea or verdict of guilty or a conviction following a plea of nolo
3 contendere is deemed to be a conviction within the meaning of this provision. The
4 board may take action when the time for appeal has elapsed, or the judgment of
5 conviction has been affirmed on appeal or when an order granting probation is made
6 suspending the imposition of sentence, irrespective of a subsequent order under
7 section 1203.4 of the Penal Code allowing the person to withdraw his or her plea of
8 guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or
9 dismissing the accusation, information, or indictment . . .

6 COST RECOVERY

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

11 FIRST CAUSE FOR DISCIPLINE

12 (Criminal Conviction)

13 8. Respondent is subject to disciplinary action for unprofessional conduct pursuant to
14 Code section 4301(l), in that on or about January 11, 2016, in the criminal proceeding *People vs.*
15 *Vinnessa Athene Roberts* (Placer County Super. Ct., Case No. 62-141109), Respondent was
16 convicted by her plea of nolo contendere to violating Penal Code 530.5(c)(3) (fraudulent
17 possession of personal identifying information of ten or more victims), a felony, a crime
18 substantially related to the qualifications, functions, and duties of a pharmacy technician.
19 Respondent's sentence was stayed and she was placed on probation for three (3) years with
20 certain terms and conditions that included serving 120 days in the Placer County Jail. The
21 circumstances of the crime are set forth in paragraphs 9 and 10 below.

22 9. On or about July 5, 2015, Respondent was at Golfland Sunsplash in Roseville when
23 she was flagged for having purchased passes with a stolen credit card. Officer M. of the
24 Roseville Police Department ("RPD") located Respondent at Golfland Sunsplash and was
25 provided with specific information by Golfland about Respondent's fraudulent purchase.
26 Respondent admitted to participating in a network that used stolen credit information. Among
27 other things, Respondent possessed a "Hello Kitty" binder with credit card/identifying
28 information for numerous individuals. All victims were contacted and stated the credit

1 information was stolen and no one had given permission for use of their credit card or credit
2 information to Respondent. Respondent admitted that the binder and the contents belonged to her
3 and that information in the binder was in her handwriting. Respondent admitted that the stolen
4 information and cards were used to purchase season passes to Sunsplash and that she was caught
5 on the fourth time she used the passes. Respondent was arrested for identity theft and transported
6 to the Placer County Jail for booking.

7 10. On or about July 16, 2015, Roseville police notified the individuals identified in the
8 binder that their credit information had been found and contacted over 35 victims by telephone.
9 The victims all stated in summary they did not know Respondent, that Respondent did not have
10 any reason to have their credit card information, names or addresses, and that Respondent did not
11 have permission to use their credit card or other personal information to make any purchases.

12 SECOND CAUSE FOR DISCIPLINE

13 (Acts Involving Moral Turpitude, Dishonesty, Fraud, Deceit, or Corruption)

14 11. Respondent is subject to disciplinary action for unprofessional conduct pursuant to
15 Code section 4301 (f), in that Respondent committed acts involving moral turpitude, dishonesty,
16 fraud, deceit, or corruption, as set forth in paragraphs 8 through 10 above.

17 ///

18 ///

19 ///

20 ///

21 ///

22 ///

23 ///

24 ///

25 ///

26 ///

27 ///

28 ///

1 PRAYER

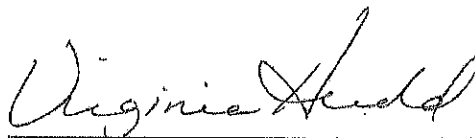
2 **WHEREFORE**, Complainant requests that a hearing be held on the matters herein alleged,
3 and that following the hearing, the Board of Pharmacy issue a decision:

4 1. Revoking or suspending Pharmacy Technician Registration Number TCH 122058,
5 issued to Vinnessa A. Roberts;

6 2. Ordering Vinnessa A. Roberts to pay the Board of Pharmacy the reasonable costs of
7 the investigation and enforcement of this case, pursuant to Business and Professions Code
8 section 125.3; and

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

10
11
12 DATED: 9/27/16



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

13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28 SA2016101766