

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

In the Matter of the Accusation Against:

**GINA CORINE MARTINEZ  
a.k.a. GINA CORINE ARREOLA  
2945 Trinity River Court  
San Jose, CA 95111**

**Pharmacy Technician Registration No. TCH  
57099**

Respondent.

Case No. 5850

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

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

12 In the Matter of the Accusation Against:

Case No. 5850

13 **GINA CORINE MARTINEZ**  
14 **a.k.a. GINA CORINE ARREOLA**  
15 **2945 Trinity River Court**  
16 **San Jose, CA 95111**

**STIPULATED SURRENDER OF  
LICENSE AND ORDER**

17 **Pharmacy Technician Registration No. TCH  
57099**

Respondent.

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

20 PARTIES

21 1. Virginia Herold (Complainant) is the Executive Officer of the Board of Pharmacy  
22 (Board). She brought this action solely in her official capacity and is represented in this matter by  
23 Kamala D. Harris, Attorney General of the State of California, by Nicholas Tsukamaki, Deputy  
24 Attorney General.

25 2. Gina Corine Martinez a.k.a. Gina Corine Arreola (Respondent) is representing herself  
26 in this proceeding and has chosen not to exercise her right to be represented by counsel.

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**ORDER**

1  
2 IT IS HEREBY ORDERED that Pharmacy Technician Registration No. TCH 57099 issued  
3 to Respondent Gina Corine Martinez a.k.a. Gina Corine Arreola is surrendered and accepted by  
4 the Board of Pharmacy.

5 1. The surrender of Respondent's Pharmacy Technician Registration and the acceptance  
6 of the surrendered license by the Board shall constitute the imposition of discipline against  
7 Respondent. This stipulation constitutes a record of the discipline and shall become a part of  
8 Respondent's license history with the Board of Pharmacy.

9 2. Respondent shall lose all rights and privileges as a pharmacy technician in California  
10 as of the effective date of the Board's Decision and Order.

11 3. Respondent shall cause to be delivered to the Board her pocket license and, if one was  
12 issued, her wall certificate on or before the effective date of the Decision and Order.

13 4. Respondent may not apply for any license, permit, or registration from the Board for  
14 three (3) years from the effective date of the Decision. Respondent stipulates that should she  
15 apply for any license from the Board on or after the effective date of this decision, all allegations  
16 set forth in Accusation No. 5850 shall be deemed true, correct and admitted by Respondent when  
17 the Board determines whether to grant or deny the application. Respondent shall satisfy all  
18 requirements applicable to that license as of the date the application is submitted to the Board,  
19 including, but not limited to, certification by a nationally recognized body prior to the issuance of  
20 a new license. Respondent is required to report this surrender as disciplinary action.

21 5. Respondent shall pay the Board its costs of investigation and enforcement in the  
22 amount of \$1,090.00 prior to issuance of a new license.

23 6. If Respondent should ever apply or reapply for a new license or certification, or  
24 petition for reinstatement of a license, by any other health care licensing agency in the State of  
25 California, all of the charges and allegations contained in Accusation No. 5850 shall be deemed to  
26 be true, correct, and admitted by Respondent for the purpose of any Statement of Issues or any  
27 other proceeding seeking to deny or restrict licensure.

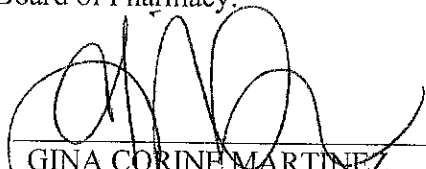
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ACCEPTANCE

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

DATED: 10/13/16


  
GINA CORINE MARTINEZ  
a.k.a. GINA CORINE ARREOLA  
*Respondent*

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: October 18, 2016

Respectfully submitted,  
KAMALA D. HARRIS  
Attorney General of California  
JOSHUA A. ROOM  
Supervising Deputy Attorney General

  
NICHOLAS TSUKAMAKI  
Deputy Attorney General  
*Attorneys for Complainant*

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**Exhibit A**

**Accusation No. 5850**

1 KAMALA D. HARRIS  
Attorney General of California  
2 JOSHUA A. ROOM  
Supervising Deputy Attorney General  
3 NICHOLAS TSUKAMAKI  
Deputy Attorney General  
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6 Facsimile: (415) 703-5480  
E-mail: Nicholas.Tsukamaki@doj.ca.gov  
7 *Attorneys for Complainant*

8 **BEFORE THE**  
9 **BOARD OF PHARMACY**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
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11 In the Matter of the Accusation Against:  
12 **GINA CORINE MARTINEZ**  
13 **a.k.a. GINA CORINE ARREOLA**  
14 **2945 Trinity River Court**  
**San Jose, CA 95111**  
15 **Pharmacy Technician Registration No. TCH**  
**57099**  
16 Respondent.

Case No. 5850  
**A C C U S A T I O N**

17  
18 Complainant alleges:

19 **PARTIES**

- 20 1. Virginia Herold (Complainant) brings this Accusation solely in her official capacity  
21 as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs.  
22 2. On or about June 30, 2004, the Board of Pharmacy issued Pharmacy Technician  
23 Registration Number TCH 57099 to Gina Corine Martinez a.k.a. Gina Corine Arreola  
24 (Respondent). The Pharmacy Technician Registration expired on November 30, 2015, and has  
25 not been renewed.

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1 **JURISDICTION**

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

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

8 5. Section 4300.1 of the Code states:

9 “The expiration, cancellation, forfeiture, or suspension of a board-issued license by  
10 operation of law or by order or decision of the board or a court of law, the placement of a license  
11 on a retired status, or the voluntary surrender of a license by a licensee shall not deprive the board  
12 of jurisdiction to commence or proceed with any investigation of, or action or disciplinary  
13 proceeding against, the licensee or to render a decision suspending or revoking the license.”

14 **STATUTORY PROVISIONS**

15 6. Section 4301 of the Code provides, in pertinent part:

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

19 ...

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

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

25 ...

26 “(l) The conviction of a crime substantially related to the qualifications, functions, and  
27 duties of a licensee under this chapter. The record of conviction of a violation of Chapter 13  
28 (commencing with Section 801) of Title 21 of the United States Code regulating controlled

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

15 ...”

16 7. Section 490 of the Code provides, in pertinent part, that a board may suspend or  
17 revoke a license on the ground that the licensee has been convicted of a crime substantially  
18 related to the qualifications, functions, or duties of the business or profession for which the  
19 license was issued.

#### 20 COSTS

21 8. Section 125.3 of the Code provides, in pertinent part, that the Board may request the  
22 administrative law judge to direct a licentiate found to have committed a violation or violations of  
23 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
24 enforcement of the case, with failure of the licentiate to comply subjecting the license to not being  
25 renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be  
26 included in a stipulated settlement.

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1 **FACTUAL BACKGROUND**

2 9. On or about December 15, 2015, in a criminal proceeding entitled *People v. Gina*  
3 *Corine Arreola*, Case Number SCD261439, in San Diego County Superior Court, a jury found  
4 Respondent guilty of violating six (6) counts of Penal Code section 470, subdivision (d) (forgery);  
5 four (4) counts of Penal Code section 118, subdivision (a) (perjury by declaration); two (2) counts  
6 of Penal Code section 115, subdivision (a) (filing a false instrument); and one (1) count of Penal  
7 Code section 530.5, subdivision (a) (using the personal identifying information of another).  
8 Imposition of sentence was suspended and Respondent was placed on five (5) years probation and  
9 ordered to serve 180 days in jail.

10 **FIRST CAUSE FOR DISCIPLINE**

11 **(Commission of Act Involving Moral Turpitude, Dishonesty, Fraud, and/or Deceit)**

12 10. Respondent is subject to disciplinary action under section 4301, subdivision (f) of the  
13 Code in that she committed acts involving moral turpitude, dishonesty, fraud, deceit, and/or  
14 corruption. The circumstances of Respondent's conduct are set forth above in paragraph 9.

15 **SECOND CAUSE FOR DISCIPLINE**

16 **(Making or Signing a Document that Falsely Represents the Existence or Nonexistence of a**  
17 **State of Facts)**

18 11. Respondent is subject to disciplinary action under section 4301, subdivision (g) of the  
19 Code in that she knowingly made and/or signed a certificate or other document that falsely  
20 represented the existence or nonexistence of a state of facts. The circumstances of Respondent's  
21 conduct are set forth above in paragraph 9.

22 **THIRD CAUSE FOR DISCIPLINE**

23 **(Criminal Conviction)**

24 12. Respondent is subject to disciplinary action under sections 490 and/or 4301,  
25 subdivision (l) of the Code in that she was convicted of a crime substantially related to the  
26 qualifications, functions, and duties of a pharmacy technician. The circumstances of  
27 Respondent's conduct are 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 57099 issued to Gina Corine Martinez a.k.a. Gina Corine Arreola;
2. Ordering Gina Corine Martinez a.k.a. Gina Corine Arreola 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: 8/29/16 Virginia Herold  
VIRGINIA HEROLD  
Executive Officer  
Board of Pharmacy  
Department of Consumer Affairs  
State of California  
*Complainant*

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