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

10 In the Matter of the Accusation Against:

Case No. 3170

11 JENNIFER M. ABAD
12 20711 Vanowen Street, #118
Winnetka, CA 91306
13 Pharmacy Technician Registration
No. TCH 39013

A C C U S A T I O N

14 Respondent.
15

16 Complainant alleges:

17 **PARTIES**

- 18 1. Virginia K. Herold (Complainant) brings this Accusation solely in her
19 official capacity as the Executive Officer of the Board of Pharmacy (Board).
20
21 2. On or about August 16, 2001, the Board issued Pharmacy Technician
22 Registration Number TCH 39013 to Jennifer M. Abad (Respondent). The Pharmacy Technician
23 Registration was in full force and effect at all times relevant to the charges brought herein and
24 will expire on January 31, 2009, unless renewed.

25 **JURISDICTION**

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

1 4. Section 4300 of the Code states:
2 “(a) Every license issued may be suspended or revoked.
3 “(b) The board shall discipline the holder of any license issued by the board,
4 whose default has been entered or whose case has been heard by the board and found guilty, by
5 any of the following methods:
6 “(1) Suspending judgment.
7 “(2) Placing him or her upon probation.
8 “(3) Suspending his or her right to practice for a period not exceeding one 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
11 its discretion may deem proper.

12 5. Section 4301 of the Code states:
13 “The board shall take action against any holder of a license who is guilty of
14 unprofessional conduct or whose license has been procured by fraud or misrepresentation or
15 issued by mistake. Unprofessional conduct shall include, but is not limited to, any of the
16 following:
17 ...
18 “(f) The commission of any act involving moral turpitude, dishonesty, fraud,
19 deceit, or corruption, whether the act is committed in the course of relations as a licensee or
20 otherwise, and whether the act is a felony or misdemeanor or not.
21 ...
22 “(l) The conviction of a crime substantially related to the qualifications, functions,
23 and duties of a licensee under this chapter.

24 ...
25 6. Section 490 of the Code states:
26 “(a) In addition to any other action that a board is permitted to take against a
27 licensee, a board may suspend or revoke a license on the ground that the licensee has been
28 convicted of a crime, if the crime is substantially related to the qualifications, functions, or duties

1 of the business or profession for which the license was issued.”

2 7. Section 493 of the Code states, in pertinent part:

3 “Notwithstanding any other provision of law, in a proceeding conducted by a
4 board within the department pursuant to law to deny an application for a license or to suspend or
5 revoke a license or otherwise take disciplinary action against a person who holds a license, upon
6 the ground that the applicant or the licensee has been convicted of a crime substantially related
7 to the qualifications, functions, and duties of the licensee in question, the record of conviction of
8 the crime shall be conclusive evidence of the fact that the conviction occurred, but only of that
9 fact, and the board may inquire into the circumstances surrounding the commission of the crime
10 in order to fix the degree of discipline or to determine if the conviction is substantially related to
11 the qualifications, functions, and duties of the licensee in question.”

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

16 **FIRST CAUSE FOR DISCIPLINE**

17 **(Substantially Related Conviction)**

18 9. Respondent is subject to disciplinary action under section 4301,
19 subdivision l of the Code in that Respondent was convicted of a crime substantially related to the
20 qualifications, functions, and duties of a licensee. On or about October 5, 2006, in the case
21 entitled *The People of the State of California vs. Jennifer M. Abad*, (Superior Court of
22 California, County of Los Angeles, Case No. 6PY05296), Respondent was convicted by the
23 Court on her plea of nolo contendere of the crime of grand theft in violation of section 487(a) of
24 the Penal Code. The circumstances surrounding the conviction are as follows:

25 a. On or about August 8, 2006, two Ralph’s Supermarket and
26 Pharmacy security investigators observed Respondent, who was at the time employed as a
27 pharmacy technician at Ralph’s Supermarket and Pharmacy, enter her “override” card into the
28 cash register, sign a refund receipt for \$115.05 and take currency from the register. The security

1 investigators then observed Respondent put the money into her pocket. Earlier that day, upon
2 investigation of the pharmacy cash register, the security investigators discovered that an usually
3 high number of voided receipts, canceled transactions and large cash refunds had been generated
4 at the register. Several of the customer signatures for the refunds appeared to be similar. On
5 each refund receipt, a phone number for the "customer" was listed next to the customer
6 signature. The security investigators called the phone numbers on the refund receipts and
7 discovered that 13 refund receipts generated by Respondent had wrong phone numbers or phone
8 numbers for people who did not exist. These receipts totaled \$1453.44.

9 On or about August 10, 2006, the two security investigators confronted Respondent
10 with the evidence they had against her. Respondent admitted to the security investigators that
11 she had committed the fraudulent transactions because she was severely in debt. Respondent
12 admitted to the security investigators that over the course of several months she had stolen over
13 approximately \$3000.00. Respondent voluntarily wrote and signed a detailed statement in which
14 she admitted to generating false receipts and stealing money.

15 **SECOND CAUSE FOR DISCIPLINE**

16 **(Dishonest Acts)**

17 10. Respondent is subject to disciplinary action under section 4301,
18 subdivision f of the Code in that Respondent committed acts involving moral turpitude,
19 dishonesty, fraud, deceit, or corruption in the course of relations as a licensee in that Respondent
20 was convicted of grand theft as more fully set forth in paragraph 9, above.

21 **THIRD CAUSE FOR DISCIPLINE**

22 **(Unprofessional Conduct)**

23 11. Respondent is subject to disciplinary action under section 4301 of the Code
24 in that Respondent engaged in unprofessional conduct in that Respondent was convicted of
25 grand theft as more fully set forth in paragraph 9, above.

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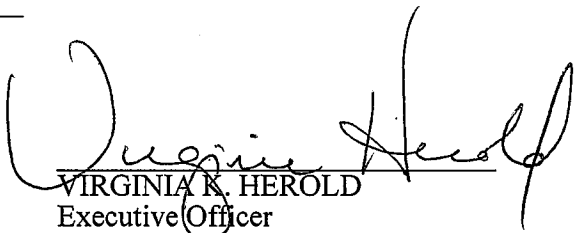
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PRAYER

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

- A. Revoking or suspending Pharmacy Technician Registration Number TCH 39013, issued to Jennifer M. Abad;
- B. Ordering Jennifer M. Abad to pay the Board the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;
- C. Taking such other and further action as deemed necessary and proper.

DATED: 12/8/08


VIRGINIA K. HEROLD
Executive Officer
Board of Pharmacy
State of California
Complainant

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