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. 8	BEFORE THE BOARD OF PHARMACY
9	DEPARTMENT OF CONSUMER AFFAIRS
10	STATE OF CALIFORNIA
11	In the Matter of the Accusation Against: Case No. 3484
12	LETICIA NEGRETE CORIA A C C U S A T I O N
13	7950 Matilija Avenue Panorama City, CA 91402
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15	Pharmacy Technician License - No. TCH 5597
16	Respondent.
17	Complainant alleges:
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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 March 12, 1993, the Board of Pharmacy (Board) issued Pharmacy
23	Technician License No. TCH 5597 to Leticia Negrete Coria (Respondent). The Pharmacy
	Technician License was in full force and effect at all times relevant to the charges brought herein
24 27	and will expire on July 31, 2012, unless 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 unless otherwise indicated.
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	Accusation

STATUTORY PROVISIONS

4. Section 118, subdivision (b), provides, in pertinent part, that the expiration of a license shall not deprive the Board jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued or reinstated.

5. Section 490 states:

"(a) In addition to any other action that a board is permitted to take against a licensee, a board may suspend or revoke a license on the ground that the licensee has been convicted of a crime, if the crime is substantially related to the qualifications, functions, or duties of the business or profession for which the license was issued.

(b) Notwithstanding any other provision of law, a board may exercise any authority to
discipline a licensee for conviction of a crime that is independent of the authority granted under
subdivision (a) only if the crime is substantially related to the qualifications, functions, or duties
of the business or profession for which the licensee's license was issued.

(c) A conviction within the meaning of this section means a plea or verdict of guilty or a
conviction following a plea of nolo contendere. Any action that a board is permitted to take
following the establishment of a conviction may be taken 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 the
provisions of Section 1203.4 of the Penal Code."

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6. Section 4300 states that "[e]very license issued may be suspended or revoked."

7. Section 4301 states, in pertinent part:

22 "The board shall take action against any holder of a license who is guilty of unprofessional
23 conduct or whose license has been procured by fraud or misrepresentation or issued by mistake.
24 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.

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1 Actions or conduct that would have warranted denial of a license." (p) 2 **REGULATORY PROVISIONS** 3 California Code of Regulations, title 16, section 1770, states, in pertinent part: 8. 4 "For the purpose of denial, suspension, or revocation of a personal or facility license 5 pursuant to Division 1.5 (commencing with Section 475) of the Business and Professions Code, a 6 crime or act shall be considered substantially related to the qualifications, functions or duties of a 7 licensee or registrant if to a substantial degree it evidences present or potential unfitness of a 8 licensee or registrant to perform the functions authorized by his license or registration in a manner 9 consistent with the public health, safety, or welfare." 10 **COST RECOVERY** 11 Section 125.3 states, in pertinent part, that the Board may request the administrative 9. 12 law judge to direct a licentiate found to have committed a violation or violations of the licensing 13 act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the 14 15 case. FIRST CAUSE FOR DISCIPLINE 16 (Conviction of Substantially-Related Crimes) 17 10. Respondent is subject to disciplinary action under sections 490, in conjunction with 18 California Code of Regulations, title 16, section 1770, and section 4301, subdivision (I), in that, 19 Respondent was convicted of crimes substantially related to the qualifications, functions or duties 20 of a pharmacy technician. Either one of the convictions is an independent cause for disciplinary 21 action. 22 On or about May 5, 2008, after pleading nolo contendere, Respondent was convicted 23 а. of one misdemeanor count of violating Penal Code section 487, subdivision (a) [grand theft], in 24 the criminal proceeding entitled The People of the State of California v. Leticia Negrete Coria 25 (Super, Ct. Los Angeles County, 2008, No. 7PY07847). Respondent was sentenced to 120 days 26

in the Los Angeles County Jail, placed on probation for a period of 24 months, and fined. The
circumstances surrounding the conviction are that on or about December 22, 2007, Respondent

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was observed by a Bloomingdale's Department Store Loss Prevention Officer walking out of the
 department store with concealed merchandise, i.e., three pairs of women's shoes. Respondent
 was subsequently convicted of violating Penal Code section 487, subdivision (a) [grand theft].

On or about May 25, 2006, after pleading nolo contendere, Respondent was Ъ. 4 convicted of one misdemeanor count of violating Penal Code section 484, subdivision (a) [theft], 5 in the criminal proceeding entitled The People of the State of California v. Leticia Negrete Coria 6 (Super. Ct. Los Angeles County, 2006, No. 6PY01490). Respondent was sentenced to 1 day in 7 the Los Angeles County Jail work program, placed on probation for a period of 36 months, and 8 fined. The circumstances surrounding the conviction are that on or about February 24, 2006, 9 Respondent was observed by Macy's Department Store Loss Prevention Officers exiting the store 10 without paying for concealed merchandise, i.e., women's apparel. Respondent was subsequently 11 convicted of violating Penal Code section 484, subdivision (a) [theft]. 12

SECOND CAUSE FOR DISCIPLINE

(Dishonest Acts)

15 11. Respondent is subject to disciplinary action under section 4301, subdivision (f), in
that, Respondent was convicted of crimes involving dishonest acts when she was found guilty of
grand theft and theft, when she failed to pay for concealed merchandise from two different
department stores on December 22, 2007, and February 24, 2006. Complainant refers to, and by
this reference incorporates, the allegations set forth above in paragraph 10, subparagraphs (a) and
(b), as though set forth fully herein.

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THIRD CAUSE FOR DISCIPLINE

(Conduct that Would Have Warranted Denial of a License)

12. Respondent is subject to disciplinary action under section 4301, subdivision (p), in
that, Respondent was convicted of crimes involving conduct and actions that would have
warranted denial of a license. Complainant refers to, and by this reference incorporates, the
allegations set forth above in paragraph 10, subparagraphs (a) and (b), as though set forth fully
herein.

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ADDITIONAL DISCIPLINARY CONSIDERATIONS

As an additional disciplinary consideration, to determine the degree of discipline, if 13. any, to be imposed on Respondent, Complainant alleges the following:

On or about March 01, 1999, after pleading nolo contendere, Respondent was a. 4 convicted of one misdemeanor count of violating Penal Code 484, subdivision (a) [theft], in the 5 criminal proceeding entitled The People of the State of California v. Leticia Negrete Coria 6 (Super, Ct. Los Angeles County, 1999, No. 9BU0339). Respondent was sentenced to 1 day in the 7 Los Angeles County Jail, placed on probation for a period of 3 years, and fined. The 8 circumstances surrounding the conviction are that on or about February 13, 1999, Respondent 9 stole, took, and carried away the personal property of another. 10

Ъ. On or about December 28, 1998, after pleading nolo contendere, Respondent was 11 convicted of one misdemeanor count of violating Vehicle Code section 23103 [reckless driving], 12 in the criminal proceeding entitled The People of the State of California v. Leticia Negrete Coria 13 (Super. Ct. Los Angeles County, 1998, No. 8VN04401). The Court placed Respondent on 14 · 15 probation for a period of 36 months, ordered Respondent to perform 200 hours of community 16 service, and pay a fine. The circumstances surrounding the conviction are that on or about October 18, 1998, Respondent committed an act of reckless driving and was convicted for 17 violating Vehicle Code section 23103 [reckless driving]. 18

PRAYER

20 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, 21 and that following the hearing, the Board issue a decision:

22 1. Revoking or suspending Pharmacy Technician License No. TCH 5597, issued to Leticia Negrete Coria;

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Accusation

2. Ordering Leticia Negrete Coria to pay the Board of Pharmacy the reasonable costs of .1 the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3; and Taking such other and further action as deemed necessary and proper. 3. DATED: VIRGINIA HEROLD Executive Officer Board of Pharmacy Department of Consumer Affairs State of California Complainant Accusation