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8		RE THE	
9	BOARD OF PHARMACY DEPARTMENT OF CONSUMER AFFAIRS		
10	STATE OF C	CALIFORNIA	
11	In the Matter of the Accusation Against:	Case No. 3510	
12		Case No. 5510	
	CARRIE MICHELLE DEGROFF 262 W. 59th Street		
13	San Bernardino, CA 92407	ACCUSATION	
14	Pharmacy Technician License		
15	No. TCH 41348		
16	Respondent.		
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18	Complainant alleges:		
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20	PARTIES		
2.1	1. Virginia Herold (Complainant) brings this Accusation solely in her official capacity		
22	as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs.		
23	2. On or about May 31, 2002, the Board of Pharmacy (Board) issued Pharmacy		
23	Technician License No. TCH 41348 to Carrie Michelle Degroff (Respondent). The Pharmacy		
24	Technician License was in full force and effect at all times relevant to the charges brought herein		
	and will expire on January 31, 2012, unless rene	wed.	
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1	JURISDICTION
2	3. This Accusation is brought before the Board, under the authority of the following
3	laws. All section references are to the Business and Professions Code unless otherwise indicated.
4	STATUTORY PROVISIONS
-5	4. Section 118, subdivision (b), of the Code provides that the suspension, expiration,
6	surrender or cancellation of a license shall not deprive the Board of jurisdiction to proceed with a
7	disciplinary action during the period within which the license may be renewed, restored, reissued
8	or reinstated.
9	5. Section 490 states:
10	"(a) In addition to any other action that a board is permitted to take against a licensee, a
11	board may suspend or revoke a license on the ground that the licensee has been convicted of a
12	crime, if the crime is substantially related to the qualifications, functions, or duties of the business
13	or profession for which the license was issued.
14	"(b) Notwithstanding any other provision of law, a board may exercise any authority to
15	discipline a licensee for conviction of a crime that is independent of the authority granted under
16	subdivision (a) only if the crime is substantially related to the qualifications, functions, or duties
17	of the business or profession for which the licensee's license was issued.
18	"(c) A conviction within the meaning of this section means a plea or verdict of guilty or a
19	conviction following a plea of nolo contendere. Any action that a board is permitted to take
20	following the establishment of a conviction may be taken when the time for appeal has elapsed, or
21	the judgment of conviction has been affirmed on appeal, or when an order granting probation is
22	made suspending the imposition of sentence, irrespective of a subsequent order under the
23	provisions of Section 1203.4 of the Penal Code."
24	6. Section 4301 states:
25	"The board shall take action against any holder of a license who is guilty of unprofessional
26	conduct or whose license has been procured by fraud or misrepresentation or issued by mistake.
27	Unprofessional conduct shall include, but is not limited to, any of the following:
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The commission of any act involving moral turpitude, dishonesty, fraud, deceit, or "(f) 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.

The conviction of a crime substantially related to the qualifications, functions, and "(l) 5 duties of a licensee under this chapter. The record of conviction of a violation of Chapter 13 6 (commencing with Section 801) of Title 21 of the United States Code regulating controlled 7 substances or of a violation of the statutes of this state regulating controlled substances or 8 dangerous drugs shall be conclusive evidence of unprofessional conduct. In all other cases, the 9 record of conviction shall be conclusive evidence only of the fact that the conviction occurred. 10 The board may inquire into the circumstances surrounding the commission of the crime, in order 11 to fix the degree of discipline or, in the case of a conviction not involving controlled substances 12 or dangerous drugs, to determine if the conviction is of an offense substantially related to the 13 qualifications, functions, and duties of a licensee under this chapter. A plea or verdict of guilty or 14 a conviction following a plea of nolo contendere is deemed to be a conviction within the meaning 15 of this provision. The board may take action when the time for appeal has elapsed, or the 16 judgment of conviction has been affirmed on appeal or when an order granting probation is made 17 suspending the imposition of sentence, irrespective of a subsequent order under Section 1203.4 of 18 the Penal Code allowing the person to withdraw his or her plea of guilty and to enter a plea of not 19 guilty, or setting aside the verdict of guilty, or dismissing the accusation, information, or 20 indictment." 21

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## **REGULATORY PROVISIONS**

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California Code of Regulations, title 16, section 1770, states:

"For the purpose of denial, suspension, or revocation of a personal or facility license 25 pursuant to Division 1.5 (commencing with Section 475) of the Business and Professions Code, a 26 crime or act shall be considered substantially related to the qualifications, functions or duties of a licensee or registrant if to a substantial degree it evidences present or potential unfitness of a 27

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1	licensee or registrant to perform the functions authorized by his license or registration in a manner	
2	consistent with the public health, safety, or welfare."	
3	COST RECOVERY	
4	8. Section 125.3 of the Code provides, in pertinent part, that the Board may request the	l
5	administrative law judge to direct a licentiate found to have committed a violation or violations of	
6	the licensing act to pay a sum not to exceed the reasonable costs of the investigation and	
7	enforcement of the case.	
8	FIRST CAUSE FOR DISCIPLINE	5
9	(Criminal Convictions)	
10	9. Respondent is subject to disciplinary action under sections 490 and 4301,	
11	subdivision (1), of the Code, in conjunction with California Code of Regulation, title 16,	
12	section 1770, in that Respondent was convicted of crimes substantially related to the	
13	qualifications, functions or duties of a licensed pharmacy technician, as follows:	
14	a. On or about July 14, 2008, after pleading guilty, Respondent was convicted of one	
15	felony count of violating Penal Code section 475, subdivision (a) [unlawful possession and	2
16	passage of any forged, altered, or counterfeit item, with intent to defraud], in the criminal	* 5*
17	proceeding entitled People of the State of California v. Carrie Michelle Degroff (Super. Ct. San	
18	Diego County, 2008, No. CS220719). Respondent was sentenced to 120 days in jail with credit	
19	of 66 days credit, ordered to pay fine and placed on formal probation for a period of 3 years with	
20	terms and condition.	
21	b. The circumstances surrounding the conviction are that on or about July 2, 2008,	
22	Respondent attempted to unlawfully enter the United States through the San Ysidro Port of Entry	
23	while concealing seven (7) undocumented Mexican Nationals in a stolen vehicle with fraudulent	
24	plates. After she had been detained and arrested, Respondent admitted to a DMV investigator	
25	during an interview that she had provided her drivers license to a smuggler on or about July 1,	
26	2008.	
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1	SECOND CAUSE FOR DISCIPLINE	
2	(Dishonest Acts)	
3	10. Respondent is subject to disciplinary action under section 4301, subdivision (f), on	
4	the grounds of unprofessional conduct in that on or about July 2, 2008, Respondent engaged in a	
5	dishonest and fraudulent act. Complainant refers to, and by this reference incorporates, the	
6	`allegations set forth in paragraph 9, subparagraphs (a) and (b), as though set forth fully.	
7	DISCIPLINE CONSIDERATIONS	
8	(Dishonest Acts)	
9	11. To determine the degree of discipline, Complainant alleges that on or about June 26,	
10	2000, after pleading guilty, Respondent was convicted of two misdemeanor counts of violating	
11	Penal Code sections 459 [burglary] and 487, subdivision (a) [grand theft], in the criminal	
12	proceeding entitled People v. Degroff (Super. Ct. San Bernardino County, 2000, No.	
13	MSB048833). Respondent was sentenced to one (1) day in jail, probation for a period of two (2)	
14	years with terms and condition including fines. The record of the criminal proceeding is	
15	incorporated as though set forth fully.	
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	5 Accusation	

1	PRAYER	
2	WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,	
3	and that following the hearing, the Board issue a decision:	
4	1. Revoking or suspending Pharmacy Technician License No. TCH 41348, issued to	
5	Respondent;	
6	2. Ordering Respondent to pay the Board the reasonable costs of the investigation and	
7	enforcement of this case, pursuant to Business and Professions Code section 125.3; and	
8	3. Taking such other and further action as deemed necessary and proper.	
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11	DATED: 5/27/11 ) incinia, Duda	
12	VIRGINIA HEROLD Executive Officer	
13	Board of Pharmacy Department of Consumer Affairs	
14	State of California Complainant	
15	Comprainant	
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