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7
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. 3670
13 **KALYNDA DALE WARD**
14 **2226 Washington Way**
15 **Antioch, CA 94509** **A C C U S A T I O N**
16 **Pharmacy Technician License No. TCH 50138**
17 **Respondent.**

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 August 8, 2003, the Board of Pharmacy issued Pharmacy Technician
23 Registration Number TCH 50138 to Kalynda Dale Ward (Respondent). The Pharmacy
24 Technician Registration was in full force and effect at all times relevant to the charges brought
25 herein and will expire on June 30, 2011, unless renewed.

26 JURISDICTION

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

1 licensee or registrant if to a substantial degree it evidences present or potential unfitness of a
2 licensee or registrant to perform the functions authorized by her license or registration in a
3 manner consistent with the public health, safety, or welfare.”

4 10. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
5 administrative law judge to direct a licensee found to have committed a violation of the licensing
6 act to pay a sum not to exceed its reasonable costs of investigation and enforcement.

7
8 FIRST CAUSE FOR DISCIPLINE

9 (Conviction of Substantially Related Crime(s))

10 11. Respondent is subject to discipline under section 4301(1) and/or section 490 of the
11 Code, by reference to California Code of Regulations, title 16, section 1770, for the conviction of
12 substantially related crime(s), in that on or about January 12, 2009, in the criminal case *People v.*
13 *Kalynda Ward*, Case No. 080610-9 in Contra Costa County Superior Court, Respondent was
14 convicted of one (1) count of violating Penal Code section 245(a)(1) (Assault by both deadly
15 weapon and force likely to produce great bodily injury), a felony, with an enhancement under
16 Penal Code section 12022.7(e) for infliction of bodily injury under circumstances involving
17 domestic violence as defined in Penal Code section 13700, as follows:

- 18 a. On or about April 27, 2008, Respondent was arrested by Antioch Police.
19 b. On or about May 29, 2008, Respondent was charged in Case No. 080610-9 in
20 Contra County Superior Court with violating (1) Penal Code section(s) 187(a)/664(a) (Attempted
21 willful, deliberate, and premeditated murder), a felony, with enhancement pursuant to Penal Code
22 section 12022.7(e) for domestic violence and a special allegation pursuant to Penal Code section
23 969f for serious felony and/or use of a knife; (2) Penal Code section 245(a)(1) (Assault by both
24 deadly weapon and force likely to produce great bodily injury), a felony, with enhancement per
25 Penal Code section 12022.7(e) for domestic violence and a special allegation pursuant to Penal
26 Code section 969f for serious felony and/or use of a knife; and (3) Penal Code section 273.5(a)
27 (Inflicting corporal injury to spouse/cohabitant/child's parent), a felony, with enhancement per
28 Penal Code section 12022.7(e) for domestic violence.

1 c. On or about January 12, 2009, Respondent pleaded nolo contendere and was
2 convicted of violating Penal Code section 245(a)(1) (Assault by both deadly weapon and force
3 likely to produce great bodily injury), a felony, with the domestic violence enhancement under
4 Penal Code section 12022.7(e). The remaining charges were dismissed pursuant to the plea. On
5 that date, Respondent was given a sentence of five (5) years in state prison, with the execution of
6 this sentence suspended in favor of a period of formal probation of three (3) years, on terms and
7 conditions including 365 days in jail (42 days credit for time served), fines, fees, and restitution,
8 40 hours of community service, a stay-away order, counseling and a Domestic Violence program.

9
10 SECOND CAUSE FOR DISCIPLINE

11 (Unprofessional Conduct)

12 12. Respondent is subject to discipline under section 4301 of the Code in that, as
13 described in paragraph 11 above, Respondent engaged in unprofessional conduct.

14
15 PRAYER

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

- 18 1. Revoking or suspending Pharmacy Technician License No. TCH 50138, issued to
19 Kalynda Dale Ward (Respondent);
- 20 2. Ordering Respondent to pay the Board the reasonable costs of the investigation and
21 enforcement of this case, pursuant to Business and Professions Code section 125.3;
- 22 3. Taking such other and further action as is deemed necessary and proper.

23 DATED: 8/23/10

24 Virginia Herold
25 VIRGINIA HEROLD
26 Executive Officer
27 Board of Pharmacy
28 Department of Consumer Affairs
State of California
Complainant

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