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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. 3794

13 **TONIA RENEE ECKHARDT**
14 **a.k.a. TONIA RENEE ECKHARDT-**
15 **WARDEN a.k.a. TONIA RENEE**
16 **ECKHARDT-BUSH**
17 **P.O. Box 10885**
18 **South Lake Tahoe, CA 96158**

OAH No.

A C C U S A T I O N

19 **Original Pharmacy Technician Registration**
20 **No. 54448**

Respondent.

21 Complainant alleges:

PARTIES

22 1. Virginia Herold (Complainant) brings this Accusation solely in her official capacity
23 as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs.

24 2. On or about February 24, 2004, the Board of Pharmacy issued Pharmacy Technician
25 Registration Number TCH 54448 to Tonia Renee Eckhardt, also known as Tonya Renee
26 Eckhardt-Warden and Tonia Renee Eckhardt-Bush (Respondent). The Pharmacy Technician
27 Registration was in full force and effect at all times relevant to the charges brought herein and
28 will expire on February 29, 2012, unless renewed.

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JURISDICTION

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

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

5. Section 4300 of the Code states:

"(a) Every license issued may be suspended or revoked.

"(b) The board shall discipline the holder of any license issued by the board, whose default has been entered or whose case has been heard by the board and found guilty, by any of the following methods:

"(1) Suspending judgment.

"(2) Placing him or her upon probation.

"(3) Suspending his or her right to practice for a period not exceeding one year.

"(4) Revoking his or her license.

"(5) Taking any other action in relation to disciplining him or her as the board in its discretion may deem proper.

6. Section 4301 of the Code states:

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

Unprofessional conduct shall include, but is not limited to, any of the following:

....

"(l) The conviction of a crime substantially related to the qualifications, functions, and duties of a licensee under this chapter. The record of conviction of a violation of Chapter 13 (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 7. Section 125.3 of the Code states, in pertinent part, that the Board may request the
16 administrative law judge to direct a licentiate found to have committed a violation or violations of
17 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
18 enforcement of the case.

19 CAUSE FOR DISCIPLINE

20 (Conviction of a Crime)

21 8. Respondent is subject to disciplinary action under section 4301, subdivision (I), in
22 that Respondent has been convicted of substantially related crimes, as follows:

23 A. On or about January 15, 2010, in the case titled *People vs. Tonia Renee*
24 *Eckhardt –Warden*, Case No. S08CRF0030, Respondent was convicted following a jury trial of
25 violating Penal Code section 273.5(a), (corporal injury to spouse/cohabitant/former
26 cohabitant/child's parent), a felony, with the special allegation that Respondent personally used a
27 deadly and dangerous weapon, to wit, knife, said use not being an element of the offense, within
28 the meaning of Penal Code section 12022(b)(1) and causing the offense to be a serious felony

1 within the meaning of Penal Code section 1192.7(c)(23). The circumstances of the crime were
2 that on or about January 25, 2008, Respondent was involved in a physical altercation with her
3 husband at their home, during which she cut her husband's hand with a knife.

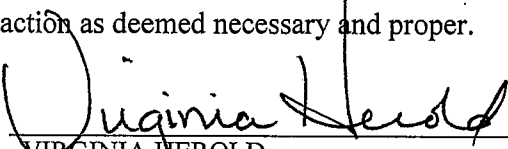
4 B. On or about March 5, 2010, in the case titled *People vs. Tonia Renee Eckhardt-*
5 *Warden*, Case No. S09CRM1235, Respondent was convicted following her plea of no contest of
6 violating Vehicle Code section 23103(A) (Reckless Driving), a misdemeanor. The circumstances
7 of the crime were that on or about July 15, 2009, while on patrol in South Lake Tahoe, a South
8 Lake Tahoe police officer witnessed Respondent's vehicle speeding, nearly colliding with another
9 vehicle, and then making an abrupt turn on to the right shoulder of the road, over a curb and onto
10 the grass in front of a business. When contacted by the officer, Respondent was apparently
11 unaware of her actions and stated she was having a hard time following the lines.

12 PRAYER

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

- 15 1. Revoking or suspending Pharmacy Technician Registration Number TCH 54448,
16 issued to Tonia Renee Eckhardt, aka Tonya Renee Eckhardt-Warden and Tonia Renee Eckhardt-
17 Bush;
- 18 2. Ordering Tonia Renee Eckhardt, aka Tonya Renee Eckhardt-Warden and Tonia
19 Renee Eckhardt-Bush to pay the Board of Pharmacy the reasonable costs of the investigation and
20 enforcement of this case, pursuant to Business and Professions Code section 125.3;
- 21 3. Taking such other and further action as deemed necessary and proper.

22 DATED: 9/23/11

23 
24 VIRGINIA HEROLD
25 Executive Officer
26 Board of Pharmacy
27 Department of Consumer Affairs
28 State of California
Complainant

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