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9 **BEFORE THE**
10 **BOARD OF PHARMACY**
11 **DEPARTMENT OF CONSUMER AFFAIRS**
12 **STATE OF CALIFORNIA**

13 In the Matter of the Accusation Against:
14 **LAURA MARTINEZ**
20416 Arline Ave.
15 Lakewood, CA 90715
16 **Pharmacy Technician Registration No. TCH**
2516
17 Respondent.

Case No. 3851

ACCUSATION

19 Complainant alleges:

20 **PARTIES**

- 21 1. Virginia K. Herold (Complainant) brings this Accusation solely in her official
22 capacity as the Executive Officer of the California State Board of Pharmacy.
- 23 2. On or about December 14, 1992, the Board of Pharmacy issued Pharmacy Technician
24 Registration Number TCH 2516 to Laura Martinez (Respondent). The Pharmacy Technician
25 Registration was in full force and effect at all times relevant to the charges brought herein and
26 will expire on January 31, 2012, unless renewed.

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JURISDICTION

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

5 4. Section 4300 permits the Board to take disciplinary action to suspend or revoke a
6 license issued by the Board.

7 5. Section 4301 states, in part:

8 "The board shall take action against any holder of a license who is guilty of unprofessional
9 conduct or whose license has been procured by fraud or misrepresentation or issued by mistake.
10 Unprofessional conduct shall include, but is not limited to, any of the following:

11 ...

12 "(f) The commission of any act involving moral turpitude, dishonesty, fraud, deceit, or
13 corruption, whether the act is committed in the course of relations as a licensee or otherwise, and
14 whether the act is a felony or misdemeanor or not."

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

18 7. California Code of Regulations, title 16, section 1770, states:

19 "For the purpose of denial, suspension, or revocation of a personal or facility license
20 pursuant to Division 1.5 (commencing with Section 475) of the Business and Professions Code, a
21 crime or act shall be considered substantially related to the qualifications, functions or duties of a
22 licensee or registrant if to a substantial degree it evidences present or potential unfitness of a
23 licensee or registrant to perform the functions authorized by his license or registration in a manner
24 consistent with the public health, safety, or welfare."

COST RECOVERY

25
26 8. Section 125.3 states, in part, that the Board may request the administrative law judge
27 to direct a licentiate found to have committed a violation or violations of the licensing act to pay a
28 sum not to exceed the reasonable costs of the investigation and enforcement of the case.

CAUSE FOR DISCIPLINE

(Committed Acts of Dishonesty)

9. Respondent has subjected her license to disciplinary action under section 4301, subdivision (f), in conjunction with California Code of Regulations, title 16, section 1770, on the grounds of unprofessional conduct, in that Respondent committed acts of dishonesty, as follows:

10. On or about August 5, 2010, after pleading guilty, Respondent was convicted of violating Penal Code section 490.1 (Petty Theft under \$50), an infraction, in the criminal proceeding entitled *The People of the State of California v. Laura Martinez* (Super. Ct. Los Angeles County, 2010, No. 0BF02215). The Court ordered Respondent to pay a fine.

11. The circumstances surrounding the conviction are between on or about August 1, 2009, and February 10, 2010, while Respondent was employed at CVS drug store, located in Hawaiian Gardens, California, she took prescription medication (Diovan, Levothyroxine, Lisinopril, Omeprazole), valued at \$408.08, and approximately 30 CVS gift cards, valued at \$1,520, from her employer without her employer's permission. Respondent used the gift cards to make purchases at the CVS drug store.

PRAYER

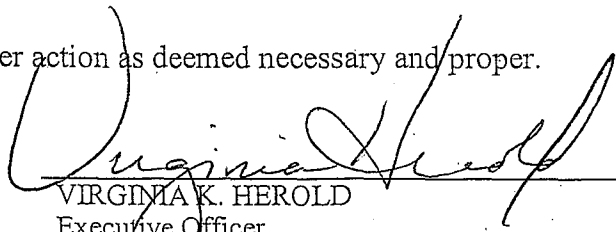
WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Pharmacy issue a decision:

1. Revoking or suspending Pharmacy Technician Registration Number TCH 2516, issued to Laura Martinez;

2. Ordering Laura Martinez to pay the Board of Pharmacy the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3; and

3. Taking such other and further action as deemed necessary and proper.

DATED: 12/2/10


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