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

11 In the Matter of the Accusation Against:

Case No. 3862

12 **JOLYNN AMANDA RAMIREZ**

696 South Aspen Ave.
13 Bloomington, CA 92316

ACCUSATION

14 Pharmacy Technician Registration No. TCH 84739

15 Respondent.

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17
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 (Board).

22 2. On or about September 24, 2008, the Board issued Pharmacy Technician Registration
23 No. TCH 84739 to Jolynn Amanda Ramirez (Respondent). The Pharmacy Technician
24 Registration expired on September 30, 2012, and is cancelled.

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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STATUTORY PROVISIONS

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

6 5. Section 4300, subdivision (a), states that “[e]very license issued may be suspended or
7 revoked.”

8 6. Section 490 provides that a board may suspend or revoke a license on the ground that
9 the licensee has been convicted of a crime substantially related to the qualifications, functions, or
10 duties of the business or profession for which the license was issued.

11 7. Section 4301 states, in pertinent part:

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

15

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

19

20 “(l) The conviction of a crime substantially related to the qualifications, functions, and
21 duties of a licensee under this chapter. The record of conviction of a violation of Chapter 13
22 (commencing with Section 801) of Title 21 of the United States Code regulating controlled
23 substances or of a violation of the statutes of this state regulating controlled substances or
24 dangerous drugs shall be conclusive evidence of unprofessional conduct. In all other cases, the
25 record of conviction shall be conclusive evidence only of the fact that the conviction occurred.
26 The board may inquire into the circumstances surrounding the commission of the crime, in order
27 to fix the degree of discipline or, in the case of a conviction not involving controlled substances
28 or dangerous drugs, to determine if the conviction is of an offense substantially related to the

1 qualifications, functions, and duties of a licensee under this chapter. A plea or verdict of guilty or
2 a conviction following a plea of nolo contendere is deemed to be a conviction within the meaning
3 of this provision. The board may take action when the time for appeal has elapsed, or the
4 judgment of conviction has been affirmed on appeal or when an order granting probation is made
5 suspending the imposition of sentence, irrespective of a subsequent order under Section 1203.4 of
6 the Penal Code allowing the person to withdraw his or her plea of guilty and to enter a plea of not
7 guilty, or setting aside the verdict of guilty, or dismissing the accusation, information, or
8 indictment. . . ."

9 REGULATORY PROVISION

10 8. California Code of Regulations, title 16, section 1770, states:

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

17 COST RECOVERY

18 9. Section 125.3 provides that the Board may request the administrative law judge to
19 direct a licentiate found to have committed a violation or violations of the licensing act to pay a
20 sum not to exceed the reasonable costs of the investigation and enforcement of the case.

21 FIRST CAUSE FOR DISCIPLINE

22 (Conviction of Substantially Related Crimes)

23 10. Respondent is subject to disciplinary action under sections 490, 4300, and 4301,
24 subdivision (l), in conjunction with California Code of Regulations, title 16, section 1770, in that
25 Respondent was convicted of crimes substantially related to the qualifications, functions or duties
26 of a licensee which to a substantial degree evidence her present or potential unfitness to perform
27 the functions authorized by her license in a manner consistent with the public health, safety, or
28 welfare. The circumstances of the convictions are as follows:

1 a. On or about March 26, 2012, after pleading nolo contendere, Respondent was
2 convicted of one misdemeanor count of violating Penal Code section 484(a)/490.5a [petty theft]
3 in the criminal proceeding entitled *The People of the State of California v. Jolynn Amanda*
4 *Ramirez* (Super. Ct. San Bernardino County, 2011, No. MWV1102893). The Court placed
5 Respondent on 24 months probation, ordered her to complete 35 hours work duty, and ordered
6 her to stay away from Sephora, Rancho Cucamonga.

7 b. The circumstances underlying the conviction are that on or about June 15, 2011,
8 Respondent entered a cosmetics store, Sephora, Rancho Cucamonga, and stole \$67.00 worth of
9 cosmetics. Respondent was on criminal probation at the time of her arrest.

10 c. On or about January 26, 2012, after pleading nolo contendere Respondent was
11 convicted of three (3) counts, Count 1, a felony violation of Penal Codes section 459 [second
12 degree commercial burglary], Count 2, a misdemeanor violation of Penal Code section 594(a)
13 [vandalism under \$400 damage -- damage/destroy], and Count 3, a lesser misdemeanor violation
14 of Penal Code section 12020(a)(1) [possession of a deadly weapon] in the criminal proceeding
15 entitled *The People of the State of California v. Jason Robert Fluharty and Jolynn Amanda*
16 *Ramirez* (Super. Ct. Los Angeles County, 2011, No. VA122978). The Court sentenced
17 Respondent to 90 days jail, placed her on three (3) years probation, ordered her to pay restitution
18 to Artesia Cemetery, and ordered her to stay away from Artesia Cemetery.

19 d. The circumstances underlying the conviction are that on or about December 27, 2011,
20 Respondent vandalized Artesia Cemetery's maintenance yard. Respondent pried through a
21 wrought iron fence, damaged a window and stole a wooden grave cross with a veteran's insignia
22 while her accomplice stood guard. Respondent was found in possession of brass knuckles.
23 Respondent was on criminal probation at the time of her arrest.

24 e. On or about June 8, 2011, after pleading nolo contendere, Respondent was convicted
25 of one misdemeanor violation of Penal Code section 459 [second degree commercial burglary] in
26 the criminal proceeding entitled *The People of the State of California v. Joynn Ramirez* (Super.
27 Ct. Los Angeles County, 2011, No. 1WW02646). The Court sentenced Respondent to 30 days
28 jail; placed her on 36 months probation, ordered to stay away from CVS pharmacy, and ordered

1 her to complete a 12 month anger management program.

2 f. The circumstances underlying the conviction are that on or about May 24, 2011,
3 Respondent entered a CVS pharmacy and stole \$67.00 worth of merchandise. When confronted
4 by a CVS employee, Respondent became physical and pushed past the employee trying to flee.
5 Responding officers recovered the stolen items and found a glass pipe with char marks in
6 Respondent's possession. Respondent was on criminal probation at the time of her arrest.

7 g. On or about June 22, 2010, after pleading nolo contendere, Respondent was convicted
8 of two (2) counts, Count 1, one misdemeanor violation of Penal Code section 459 [second degree
9 commercial burglary], and Count 3, one misdemeanor violation of Penal Code
10 section 242 [battery], in the criminal proceeding entitled *The People of the State of California v.*
11 *Jolynn Amanda Ramirez* (Super. Ct. Los Angeles County, 2010, No. 0BF03019). The Court
12 sentenced Respondent to ten (10) days jail, and placed her on 36 months probation.

13 h. The circumstances underlying the conviction are that on or about June 18, 2010,
14 Respondent entered a CVS pharmacy, stole \$21.00 worth of merchandise and became physical
15 with an employee who attempted to stop her.

16 **SECOND CAUSE FOR DISCIPLINE**

17 **(Acts Involving Moral Turpitude/Dishonesty)**

18 11. Respondent is subject to disciplinary action under sections 4300, and 4301
19 subdivision (f), on the grounds of unprofessional conduct, in that Respondent engaged in acts
20 involving moral turpitude and dishonesty. Complainant refers to and by this reference
21 incorporates the allegations set forth above in paragraph 10, subparagraphs a - h, inclusive, as
22 though set forth fully.

23 **PRAYER**

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

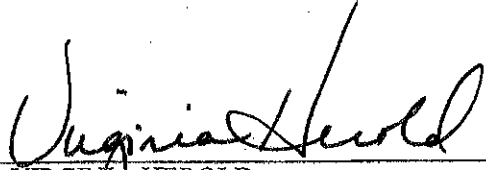
- 26 1. Revoking or suspending Pharmacy Technician Registration No. TCH 84739, issued
27 to Jolynn Amanda Ramirez;
- 28 2. Ordering Jolynn Amanda Ramirez to pay the Board the reasonable costs of the

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investigation and enforcement of this case, pursuant to section 125.3; and
3. Taking such other and further action as deemed necessary and proper.

DATED:

7/1/13



VIRGINIA HEROLD
Executive Officer
Board of Pharmacy
Department of Consumer Affairs
State of California
Complainant

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