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

11 In the Matter of the Accusation Against:
12 **GRETA H. NAVARRETTE, a.k.a. GRETA**
13 **HERNANDEZ NAVARETTE**
14 **Post Office Box 28093**
15 **San Jose, CA 95159**
16 **Pharmacy Technician License No. TCH**
17 **49773**
18 Respondent.

Case No. 3965
ACCUSATION

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 March 15, 2004, the Board of Pharmacy issued Pharmacy Technician
23 License Number TCH 49773 to Greta H. Navarrette, also known as Greta Hernandez Navarette
24 (Respondent). The Pharmacy Technician License was in full force and effect at all times relevant
25 to the charges brought in this Accusation and will expire on December 31, 2011, unless renewed.
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“(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 substances or of a violation of the statutes of this state regulating controlled substances or dangerous drugs shall be conclusive evidence of unprofessional conduct. In all other cases, the record of conviction shall be conclusive evidence only of the fact that the conviction occurred. The board may inquire into the circumstances surrounding the commission of the crime, in order to fix the degree of discipline or, in the case of a conviction not involving controlled substances or dangerous drugs, to determine if the conviction is of an offense substantially related to the qualifications, functions, and duties of a licensee under this chapter. A plea or verdict of guilty or a conviction following a plea of nolo contendere is deemed to be a conviction within the meaning of this provision. The board may take action when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under Section 1203.4 of the Penal Code allowing the person to withdraw his or her plea of guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or dismissing the accusation, information, or indictment.”

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

10. Section 493 of the Code states:

“Notwithstanding any other provision of law, in a proceeding conducted by a board within the department pursuant to law to deny an application for a license or to suspend or revoke a license or otherwise take disciplinary action against a person who holds a license, upon the ground that the applicant or the licensee has been convicted of a crime substantially related to the qualifications, functions, and duties of the licensee in question, the record of conviction of the

1 crime shall be conclusive evidence of the fact that the conviction occurred, but only of that fact,
2 and the board may inquire into the circumstances surrounding the commission of the crime in
3 order to fix the degree of discipline or to determine if the conviction is substantially related to the
4 qualifications, functions, and duties of the licensee in question.”

5 11. California Code of Regulations, title 16, section 1770, states:

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

12 COST RECOVERY

13 12. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
14 administrative law judge to direct a licentiate found to have committed a violation of the licensing
15 act to pay a sum not to exceed its reasonable costs of investigation and enforcement.

16 FIRST CAUSE FOR DISCIPLINE

17 (Acts Involving Moral Turpitude, Dishonesty, Fraud, Deceit or Corruption)

18 (Bus. & Prof. Code § 4301, subd. (f))

19 13. Respondent has subjected her pharmacy technician’s license to discipline under Code
20 section 4301, subdivision (f), in that Respondent committed acts involving moral turpitude,
21 dishonesty, fraud, deceit, or corruption. The circumstances are as follows:

22 14. On or about December 24, 2009, Respondent was shopping at a Sephora store inside
23 the Valley Fair Shopping Center in San Jose. While inside the store, Sephora security officers
24 observed Respondent taking several items from the shelves and placing them inside of an Old
25 Navy shopping bag that she was carrying. At approximately 11:00 a.m., Respondent exited the
26 store without paying for any of the items that she had placed in her Old Navy shopping bag.
27 Respondent was detained by a Sephora security officer just a few feet outside of the store.
28 Respondent admitted that she took the items from the store and she stated that they were gifts for

1 friends. The items totaled \$423.50. An officer from the San Jose Police Department responded
2 to the scene and arrested Respondent for grand theft.

3 SECOND CAUSE FOR DISCIPLINE

4 (Conviction of Substantially Related Crime)

5 (Bus. & Prof. Code §§ 490, 4301, subd. (l); Cal Code Regs. tit. 16 § 1770)

6 15. Complainant realleges the allegations contained in paragraphs 13 and 14 above, and
7 incorporates them as if fully set forth.

8 16. Respondent has subjected her pharmacy technician's license to discipline under Code
9 sections 490 and 4301, subdivision (l), by reference to California Code of Regulations, title 16,
10 section 1770, in that she was convicted of a crime substantially related to the qualifications,
11 functions, and duties of a licensee. Specifically, on or about May 13, 2010, in a criminal matter
12 entitled *The People of the State of California v. Greta Hernandez Navarrette*, Case Number
13 C1069242, in the Superior Court of Santa Clara County, Respondent was convicted by plea of
14 guilty to one count of violating Penal Code section 484-487, subdivision (a) (grand theft of
15 personal property of a value over four hundred dollars), a misdemeanor. Respondent was
16 sentenced to two days in jail and ordered to pay fees and fines.

17 THIRD CAUSE FOR DISCIPLINE

18 (Acts Involving Moral Turpitude, Dishonesty, Fraud, Deceit or Corruption)

19 (Bus. & Prof. Code § 4301, subd. (f))

20 17. Respondent has subjected her pharmacy technician's license to discipline under Code
21 section 4301, subdivision (f), in that Respondent committed acts involving moral turpitude,
22 dishonesty, fraud, deceit, or corruption. The circumstances are as follows:

23 18. On or about June 27, 2010, at approximately 8:00 p.m., Respondent entered a Target
24 store on Silver Creek Road in San Jose. A loss prevention officer at Target observed Respondent
25 take several items from the shelves and place them in her purse. Respondent then went to the
26 register and paid only for the items in her shopping cart. Respondent walked passed the registers
27 and attempted to leave the store with the unpaid items in her purse, but she was stopped by a
28 Target loss prevention officer who called the police. The total retail value of the items in
Respondent's purse was \$390.24. An officer from the San Jose Police Department responded to

1 the scene at approximately 8:48 p.m. and took Respondent into custody. After waiving her
2 Miranda rights, Respondent told the officer that she went into Target to buy paper towels and
3 water. She admitted that she placed clothes, jewelry, CD's, and DVD's into her purse and
4 attempted to walk out of the front door without paying for these items. Respondent could not
5 explain why she stole these items other than stating that she "wanted the adrenaline rush."

6 FOURTH CAUSE FOR DISCIPLINE

7 (Conviction of Substantially Related Crime)

8 (Bus. & Prof. Code §§ 490, 4301, subd. (l); Cal Code Regs. tit. 16 § 1770)

9 19. Complainant realleges the allegations contained in paragraphs 17 and 18 above, and
10 incorporates them as if fully set forth.

11 20. Respondent has subjected her pharmacy technician's license to discipline under Code
12 sections 490 and 4301, subdivision (l), by reference to California Code of Regulations, title 16,
13 section 1770, in that she was convicted of a crime substantially related to the qualifications,
14 functions, and duties of a licensee. Specifically, on or about August 27, 2010, in a criminal
15 matter entitled *The People of the State of California v. Greta Hernandez Navarrette*, in the Santa
16 Clara County Superior Court, Case Number C1081009, Respondent was convicted by plea of
17 guilty to one count of violating Penal Code section 666 (petty theft with a prior), a felony. On or
18 about October 13, 2010, Respondent was sentenced to three years of court probation and thirty
19 days in jail. Respondent was also ordered to stay out of any Target store in Santa Clara County.

20 FIFTH CAUSE FOR DISCIPLINE

21 (Acts Involving Moral Turpitude, Dishonesty, Fraud, Deceit or Corruption)

22 (Bus. & Prof. Code § 4301, subd. (f))

23 21. Respondent has subjected her pharmacy technician's license to discipline under Code
24 section 4301, subdivision (f), in that Respondent committed acts involving moral turpitude,
25 dishonesty, fraud, deceit, or corruption. The circumstances are as follows:

26 22. On or about July 30, 2010, while at a Savemart store in San Jose, Respondent placed
27 items in her bag and walked out of the store without paying for them. Respondent was placed
28 under citizen's arrest by a Savemart employee. An officer from the San Jose Police Department
was dispatched to the Savemart at approximately 9:28 p.m. Respondent was placed under arrest

1 for violation of Penal Code section 666 and transported to the main jail in San Jose. Respondent
2 waived her Miranda rights and told the officer that she went to the Savemart to purchase a few
3 things that she needed. While inside, she decided that she needed toiletries and magazines, but
4 she could not afford them. Respondent admitted that she paid for some of the food, but she took
5 approximately \$80.00 worth of merchandise without paying for it.

6 SIXTH CAUSE FOR DISCIPLINE

7 (Conviction of Substantially Related Crime)

8 (Bus. & Prof. Code §§ 490, 4301, subd. (l); Cal Code Regs. tit. 16 § 1770)

9 23. Complainant realleges the allegations contained in paragraphs 21 and 22 above, and
10 incorporates them as if fully set forth.

11 24. Respondent has subjected her pharmacy technician's license to discipline under Code
12 sections 490 and 4301, subdivision (l), by reference to California Code of Regulations, title 16,
13 section 1770, in that she was convicted of a crime substantially related to the qualifications,
14 functions, and duties of a licensee. Specifically, on or about August 27, 2010, in a criminal
15 matter entitled *The People of the State of California v. Greta Hernandez Navarrette*, in the Santa
16 Clara County Superior Court, Case Number C1083713, Respondent was convicted by plea of
17 guilty to one count of violating Penal Code section 666 (petty theft with a prior), with an
18 enhancement of Penal Code section 12022.1 (felony committed while released on bail or
19 recognizance), a felony. On or about October 13, 2010, Respondent's conviction was reduced to
20 a misdemeanor and Respondent was sentenced to three years of court probation and 30 days in
21 jail. Respondent was also ordered to stay out of any Savemart store in Santa Clara County.

22 DISCIPLINARY CONSIDERATIONS

23 25. Prior to May 31, 2003, Respondent was convicted of or pled no contest to one or
24 more violations of law of a foreign country, the United States, or a state law or local ordinance.
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PRAYER

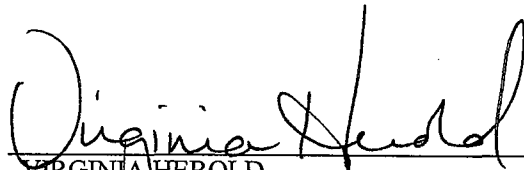
WHEREFORE, Complainant requests that a hearing be held on the matters alleged in this Accusation, and that following the hearing, the Board of Pharmacy issue a decision:

1. Revoking or suspending Pharmacy Technician License Number TCH 49773, issued to Greta H. Navarrette, also known as Greta Hernandez Navarrette;

2. Ordering Greta H. Navarrette, also known as Greta Hernandez Navarrette 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;

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

DATED: 6/27/11



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

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