

1 KAMALA D. HARRIS
Attorney General of California
2 MARC D. GREENBAUM
Supervising Deputy Attorney General
3 BORA SONG
Deputy Attorney General
4 State Bar No. 276475
300 So. Spring Street, Suite 1702
5 Los Angeles, CA 90013
Telephone: (213) 897-2674
6 Facsimile: (213) 897-2809
E-mail: Bora.Song@doj.ca.gov

7 *Attorneys for Complainant*

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

12 In the Matter of the Accusation Against:

Case No. 4314

13 **ANGELICA ARREOLA**
1857 E. 70th Street
14 Los Angeles, CA 90001

A C C U S A T I O N

15 **Pharmacy Technician Registration No. TCH**
100768

16 Respondent.

17
18
19 Complainant alleges:

20 **PARTIES**

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

23 2. On or about April 14, 2010, the Board of Pharmacy ("Board") issued Pharmacy
24 Technician Registration No. TCH 100768 to Angelica Arreola ("Respondent"). The Pharmacy
25 Technician Registration was in full force and effect at all times relevant to the charges brought
26 herein and will expire on September 30, 2013, unless renewed.

27 ///

1 **JURISDICTION**

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

4 **STATUTORY PROVISIONS**

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

9 5. Section 490 states, in pertinent part:

10 "(a) In addition to any other action that a board is permitted to take against a licensee, a
11 board may suspend or revoke a license on the ground that the licensee has been convicted of a
12 crime, if the crime is substantially related to the qualifications, functions, or duties of the business
13 or profession for which the license was issued.

14 "(b) Notwithstanding any other provision of law, a board may exercise any authority to
15 discipline a licensee for conviction of a crime that is independent of the authority granted under
16 subdivision (a) only if the crime is substantially related to the qualifications, functions, or duties
17 of the business or profession for which the licensee's license was issued.

18 "(c) A conviction within the meaning of this section means a plea or verdict of guilty or a
19 conviction following a plea of nolo contendere. Any action that a board is permitted to take
20 following the establishment of a conviction may be taken when the time for appeal has elapsed, or
21 the judgment of conviction has been affirmed on appeal, or when an order granting probation is
22 made suspending the imposition of sentence, irrespective of a subsequent order under the
23 provisions of Section 1203.4 of the Penal Code."

24 6. Section 4300 permits the Board to take disciplinary action by suspending or revoking
25 any license issued by the Board.

26 7. Section 4301 states, in pertinent part:
27
28

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

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

4

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

8

9 "(j) The violation of any of the statutes of this state, or any other state, or of the United
10 States regulating controlled substances and dangerous drugs.

11

12 "(l) The conviction of a crime substantially related to the qualifications, functions, and
13 duties of a licensee under this chapter. The record of conviction of a violation of Chapter 13
14 (commencing with Section 801) of Title 21 of the United States Code regulating controlled
15 substances or of a violation of the statutes of this state regulating controlled substances or
16 dangerous drugs shall be conclusive evidence of unprofessional conduct. In all other cases, the
17 record of conviction shall be conclusive evidence only of the fact that the conviction occurred.
18 The board may inquire into the circumstances surrounding the commission of the crime, in order
19 to fix the degree of discipline or, in the case of a conviction not involving controlled substances
20 or dangerous drugs, to determine if the conviction is of an offense substantially related to the
21 qualifications, functions, and duties of a licensee under this chapter. A plea or verdict of guilty or
22 a conviction following a plea of nolo contendere is deemed to be a conviction within the meaning
23 of this provision. The board may take action when the time for appeal has elapsed, or the
24 judgment of conviction has been affirmed on appeal or when an order granting probation is made
25 suspending the imposition of sentence, irrespective of a subsequent order under Section 1203.4 of
26 the Penal Code allowing the person to withdraw his or her plea of guilty and to enter a plea of not
27 guilty, or setting aside the verdict of guilty, or dismissing the accusation, information, or
28 indictment.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

....

"(o) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of or conspiring to violate any provision or term of this chapter or of the applicable federal and state laws and regulations governing pharmacy, including regulations established by the board or by any other state or federal regulatory agency."

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

"As used in this section, 'license' includes 'certificate,' 'permit,' 'authority,' and 'registration.'"

REGULATORY PROVISIONS

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

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

///
///
///

1 **COST RECOVERY**

2 10. Section 125.3 provides that the Board may request the administrative law judge to
3 direct a licensee found to have committed a violation or violations of the licensing act to pay a
4 sum not to exceed the reasonable costs of the investigation and enforcement of the case.

5 **CONTROLLED SUBSTANCES**

6 11. "Cocaine" is a Schedule II controlled substance as designated by Health and Safety
7 Code section 11055, subdivision (b)(6), and Business and Professions Code section 4021.

8 12. "Methamphetamine" is a Schedule II controlled substance as designated by Health
9 and Safety Code section 11055, subdivision (d)(2), and Business and Professions Code section
10 4021.

11 **FIRST CAUSE FOR DISCIPLINE**

12 **(Conviction of a Substantially Related Crime)**

13 13. Respondent is subject to disciplinary action under Section 490 and Section 4301,
14 subdivision (l), in conjunction with California Code of Regulations, title 16, section 1770, in that
15 Respondent was convicted of a crime substantially related to the qualifications, functions or
16 duties of a pharmacy technician.

17 14. On or about January 24, 2012, in a criminal proceeding entitled *People v. Angelica*
18 *Arreola* (Super. Ct. Los Angeles County, 2012, No. TA119516), Respondent entered a plea of
19 nolo contendere and was convicted of Assault with a Deadly Weapon, a violation of Penal Code
20 section 245, subdivision (a)(1), a misdemeanor. Two felony counts of Penal Code section 245,
21 subdivision (a)(1) were dismissed in light of the plea. The Court placed Respondent on three
22 years summary probation, and ordered her to serve four days in Los Angeles County Jail, less
23 four days credit for time served, and to pay restitution, fines, and fees. The Court also ordered
24 Respondent to attend two Alcoholics Anonymous meetings per week for six months. The
25 circumstances of the offense are as follows:

26 a. On or about August 14, 2011, Deputies from the Los Angeles County Sheriff's
27 Department were dispatched regarding a battery at 2210 126th Street in Los Angeles. Upon
28 arrival, the deputies contacted victim P.R. who stated that Respondent punched her in the left side

1 of her face and hit her with a beer bottle. According to witnesses, Respondent approached P.R.,
2 pulled P.R.'s hair, punched her in the face, and hit her with an empty 12-ounce Corona glass beer
3 bottle, without provocation. Witnesses further reported that Respondent was intoxicated at the
4 time of the incident. Respondent was consequently arrested for assault with a deadly weapon, a
5 violation of Penal Code section 245, subdivision (a)(1). A detective from the Los Angeles
6 County Sheriff's Department conducted an interview of Respondent, under *Miranda*. Respondent
7 stated that she had a verbal argument with P.R. and admitted punching P.R. in the face but denied
8 hitting her with a glass bottle. Respondent also admitted that she was drinking a "Corona" out of
9 a glass bottle.

10 **SECOND CAUSE FOR DISCIPLINE**

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

12 15. Respondent is subject to disciplinary action under Section 4301, subdivision (f), in
13 that Respondent committed an act involving moral turpitude, dishonesty, fraud, deceit, or
14 corruption. Complainant refers to, and by this reference incorporates, the allegations set forth
15 above in paragraphs 14 and 14(a) as though set forth fully herein.

16 **THIRD CAUSE FOR DISCIPLINE**

17 **(Possession of a Controlled Substance)**

18 16. Respondent is subject to disciplinary action under section 4301, subdivision (j), in
19 that on or about November 14, 2010, Respondent was found to be in possession of a controlled
20 substance. The circumstances of the offense are as follows:

21 a. On or about November 14, 2010, Deputies K.J. and N.Z. of the Los Angeles
22 County Sheriff's Department made a traffic stop of a 2005 blue Chevrolet Impala with license
23 plate no. 5RXH291 for two different violations of the Vehicle Code. Upon making contact with
24 the driver, who was later identified by her valid California Driver's License as Respondent,
25 Respondent stated that her driver's license was in her black wallet inside her purse and consented
26 to the deputies retrieving her driver's license from her purse. As Deputy K.J. retrieved
27 Respondent's wallet, he observed a plastic bag containing a white powdery substance, which he
28 immediately recognized as powder cocaine.

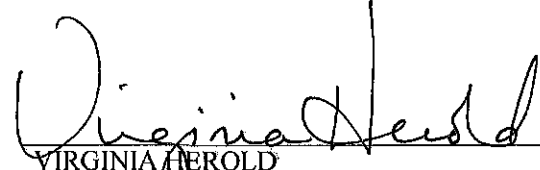
1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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 100768, issued to Angelica Arreola;
2. Ordering Angelica Arreola to pay the Board of Pharmacy the reasonable costs of the investigation and enforcement of this case, pursuant to Section 125.3;
3. Taking such other and further action as deemed necessary and proper.

DATED: 8/14/13



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

LA2012506946
51305140.doc