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

12 In the Matter of the Accusation Against:

Case No. 4454

13 **CIERRA P. REID**
14 **25465 Hyacinth Street**
Corona, CA 92883

A C C U S A T I O N

15 **Pharmacy Technician Registration No. TCH 111069**

16 Respondent.
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19 Complainant alleges:

20 **PARTIES**

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

23 2. On July 13, 2011, the Board of Pharmacy issued Pharmacy Technician
24 Registration Number TCH 111069 to Cierra P. Reid (Respondent). Respondent has also been
25 known as Cierra Pashawn Reid. The Pharmacy Technician Registration was in full force and
26 effect at all times relevant to the charges brought herein and expired on January 31, 2013, and
27 has not been renewed.

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1 **JURISDICTION**

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

5 4. Section 4300, subdivision (a), of the Code provides that every license issued by the
6 Board may be suspended or revoked.

7 5. Section 4300.1 of the Code states:

8 The expiration, cancellation, forfeiture, or suspension of a board-issued
9 license by operation of law or by order or decision of the board or a court of law,
10 the placement of a license on a retired status, or the voluntary surrender of a
11 license by a licensee shall not deprive the board of jurisdiction to commence or
12 proceed with any investigation of, or action or disciplinary proceeding against, the
13 licensee or to render a decision suspending or revoking the license.

12 **STATUTORY PROVISIONS**

13 6. Section 482 of the Code states:

14 Each board under the provisions of this code shall develop criteria to
15 evaluate the rehabilitation of a person when:

16 (a) Considering the denial of a license by the board under Section 480; or

17 (b) Considering suspension or revocation of a license under Section 490.

18 Each board shall take into account all competent evidence of rehabilitation
19 furnished by the applicant or licensee.

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

24 8. Section 493 of the Code states:

25 Notwithstanding any other provision of law, successful completion of any
26 diversion program under the Penal Code, or successful completion of an alcohol
27 and drug problem assessment program under Article 5 (commencing with Section
28 23249.50) of Chapter 12 of Division 11 of the Vehicle Code, shall not prohibit
any agency established under Division 2 (commencing with Section 500) of this
code, or any initiative act referred to in that division, from taking disciplinary
action against a licensee or from denying a license for professional misconduct,
notwithstanding that evidence of that misconduct may be recorded in a record

1 pertaining to an arrest. This section shall not be construed to apply to any drug
2 diversion program operated by any agency established under Division 2
3 (commencing with Section 500) of this code, or any initiative act referred to in
4 that division.

5 9. Section 4301 of the Code states:

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

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

14

15 (h) The administering to oneself, of any controlled substance, or the use of
16 any dangerous drug or of alcoholic beverages to the extent or in a manner as to be
17 dangerous or injurious to oneself, to a person holding a license under this chapter,
18 or to any other person or to the public, or to the extent that the use impairs the
19 ability of the person to conduct with safety to the public the practice authorized by
20 the license.

21

22 (l) The conviction of a crime substantially related to the qualifications,
23 functions, and duties of a licensee under this chapter. The record of conviction of
24 a violation of Chapter 13 (commencing with Section 801) of Title 21 of the
25 United States Code regulating controlled substances or of a violation of the
26 statutes of this state regulating controlled substances or dangerous drugs shall be
27 conclusive evidence of unprofessional conduct. In all other cases, the record of
28 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.

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1 **REGULATORY PROVISIONS**

2 10. California Code of Regulations, title 16, section 1769, states:

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4 (b) When considering the suspension or revocation of a facility or a
5 personal license on the ground that the licensee or the registrant has been
6 convicted of a crime, the board, in evaluating the rehabilitation of such person and
7 his present eligibility for a license will consider the following criteria:

8 (1) Nature and severity of the act(s) or offense(s).

9 (2) Total criminal record.

10 (3) The time that has elapsed since commission of the act(s) or
11 offense(s).

12 (4) Whether the licensee has complied with all terms of parole,
13 probation, restitution or any other sanctions lawfully imposed against the licensee.

14 (5) Evidence, if any, of rehabilitation submitted by the licensee.

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

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

23 **COST RECOVERY**

24 12. Section 125.3 of the Code provides, in pertinent part, that the Board may request
25 the administrative law judge to direct a licentiate found to have committed a violation or
26 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation
27 and enforcement of the case, with failure of the licentiate to comply subjecting the license to not
28 being renewed or reinstated. If a case settles, recovery of investigation and enforcement costs
may be included in a stipulated settlement.

FIRST CAUSE FOR DISCIPLINE

(August 28, 2012 Conviction for Grand Theft on July 1, 2011)

13 13. Respondent subjected her license to discipline under sections 490 and 4301,
14 subdivision (l) of the Code in that Respondent was convicted of a crime that is substantially

1 related to the qualifications, functions, and duties of a licensed pharmacy technician. The
2 circumstances are as follows:

3 a. On August 28, 2012, in a criminal proceeding entitled *The People of the*
4 *State of California vs. Cierra Pashawn Reid*, in Orange County Superior Court, Case Number
5 12HF0900, Respondent was convicted on her plea of guilty to violating Penal Code (PC) section
6 487, subdivision (a), grand theft by embezzlement, a felony.

7 b. As a result of the conviction, on August 28, 2012, Respondent was
8 sentenced to three years formal probation, and ordered to serve 180 days in the Orange County
9 Jail with credit for one day actually served, and pay fines, fees, restitution, and ten percent
10 interest on the restitution from date of loss until paid in full.

11 c. The facts that led to the conviction are that on June 9, 2011, Respondent
12 was hired as a sales associate and assigned to the fine jewelry section of Macy's South Coast
13 Plaza in Costa Mesa, California. About a month after her date of hire, Respondent started taking
14 merchandise from the jewelry counter, on an average of one item every other work shift.
15 Respondent either concealed the item on her person, in her purse, or simply carried it out in her
16 hand.

17 d. On September 21, 2011, Respondent made fictitious purchases of two
18 items at sale prices before a scheduled sale and indicated that the items were to be picked-up on
19 September 28, 2011. On September 27, 2011, Respondent cleaned out a jewelry case by
20 removing the merchandise and replacing it back into the case when clean. Respondent marked
21 the fine jewelry status log indicating that she took two diamond rings out of the case and placed
22 them in the hold area. On September 28, 2011, Respondent attempted to return one of the
23 fictitiously sold items with no success. Respondent voided all the transactions related to the first
24 item. On the same date, Respondent attempted to return the second item without success through
25 three different registers. At a fourth register, Respondent successfully returned the second item in
26 the amount of \$3,585.37 and obtained four different gift cards, three of which were for \$1,000.00
27 each and the fourth one for \$585.37. On September 29, 2011, Respondent used one of the gift

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1 cards to purchase a watch from the store. On the same date, the fine jewelry section manager
2 reported two missing diamond rings that were supposed to be in the hold area.

3 e. On September 30, 2011, during a routine review of overages and shortages
4 for the registers, Respondent's September 28, 2011 return transactions were detected as
5 suspicious. An investigation focused on Respondent's transactions and the 24-hour surveillance
6 video was reviewed, which revealed her activities in the store. On October 1, 2011, Respondent
7 admitted to creating fraudulent purchases to meet her daily sales expectations, to stealing
8 \$62,492.05 worth of merchandise, and to attempting to sell the stolen goods through the internet.
9 Twenty-one pieces of merchandise with a total value of \$63,824.00 were recovered from
10 Respondent's home. The store asked for court-ordered restitution of \$31,500.00, the total amount
11 of the twenty-three price tickets also found in Respondent's home corresponding to merchandise
12 items that she had stolen and could no longer be located.

13 **SECOND CAUSE FOR DISCIPLINE**

14 **(Unprofessional Conduct - Commission of Any Act Involving Moral Turpitude, Dishonesty,
15 Fraud, Deceit, or Corruption)**

16 14. Respondent has subjected her license to discipline under Code section 4301,
17 subdivision (f), in that she committed acts involving moral turpitude, dishonesty, fraud, deceit,
18 and corruption when she stole several pieces of merchandise from her employer and sold some
19 of it on the internet, as described in paragraph 13, above.

20 **THIRD CAUSE FOR DISCIPLINE**

21 **(Jan. 18, 2013 Conviction for Driving With a BAC of .08% or More on Sep. 3, 2012)**

22 15. Respondent has subjected her license to discipline under Code sections 490 and
23 4301, subdivision (l), in that she was convicted of a crime that is substantially related to the
24 qualifications, functions, and duties of a licensed pharmacy technician. The circumstances are as
25 follows:

26 a. On January 18, 2013, in a criminal proceeding entitled *The People of the*
27 *State of California vs. Cierra Pashawn Reid*, in Los Angeles County Superior Court, Case
28 Number 2MP10622, Respondent was convicted on her plea of *nolo contendere* to violating

1 Vehicle Code (VC) 23152, subdivisions (a), driving under the influence of alcohol (DUI) and
2 (b), driving with a blood alcohol concentration (BAC) of 0.08 percent or more, misdemeanors.

3 b. As a result of the conviction, on January 31, 2013, Respondent was
4 granted 36 months summary probation and sentenced to serve 13 days in the Los Angeles
5 County Jail with credit for two days actually served, or pay a fine of \$390.00 in lieu of jail
6 service, which was suspended. Respondent was also ordered to pay an additional fine or render
7 11 days of community service in lieu of the additional fine; pay restitution, costs, assessments,
8 and fees; and attend and satisfactorily complete a first offender alcohol and other drug education
9 and counseling program.

10 c. The facts that led to the conviction are that on September 3, 2012,
11 Respondent was driving over the speed limit along interstate 405 in Culver City, California and
12 passed the patrol vehicle of two California Highway Patrol officers. The officers positioned their
13 patrol vehicle behind Respondent's while moving at about 80 miles per hour. The distance
14 between their patrol vehicle and Respondent's car increased. The officers then activated their
15 forward red lights to initiate an enforcement stop. Respondent yielded and during the initial
16 contact the officers observed Respondent's eyes to be red and watery. While Respondent was
17 looking for her driver's license, the officers detected the odor of alcohol emitting from
18 Respondent's car. Respondent admitted to one drink during the previous 24 hours, but also
19 emitted alcohol from her breath and person. Respondent almost fell upon exiting her vehicle and
20 failed the series of field sobriety tests. Respondent provided two breath samples, which both
21 tested 0.10 percent BAC.

22 **FOURTH CAUSE FOR DISCIPLINE**

23 **(Unprofessional Conduct - Dangerous Use of Alcohol)**

24 16. Respondent subjected her pharmacy technician registration to discipline under
25 Code section 4301, subdivision (h) in that on September 3, 2012, she used alcohol to the extent
26 and in a manner that was dangerous and injurious to herself and to the public, as detailed in
27 paragraph 15, above.

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1 **FIFTH CAUSE FOR DISCIPLINE**

2 **(February 5, 2013 Conviction for Prostitution on July 25, 2012)**

3 17. Respondent subjected her license to discipline under sections 490 and 4301,
4 subdivision (l) of the Code in that Respondent was convicted of a crime that is substantially
5 related to the qualifications, functions, and duties of a licensed pharmacy technician. The
6 circumstances are as follows:

7 a. On February 5, 2013, in a criminal proceeding entitled *The People of the*
8 *State of California vs. Cierra Pashawn Reid*, in Riverside County Superior Court, Case Number
9 RIM1212889, Respondent was convicted on her plea of guilty to violating PC section 647,
10 subdivision (b), disorderly conduct (prostitution), a misdemeanor.

11 b. As a result of the conviction, on February 5, 2013, Respondent was
12 granted 36 months summary probation, and sentenced to eight days in the custody of the
13 Riverside County Sheriff to be served in the work release program, and ordered to pay fines and
14 a penalty assessment. Respondent was also ordered to enroll in and complete an Acquired
15 Immune Deficiency Syndrome (AIDS) education program and not to have any direct or indirect
16 contact with www.backpage.com.

17 c. The facts that led to the conviction are that on July 25, 2012, Respondent
18 placed in the adult services section of a website an advertisement for a female escort in the
19 Inland Empire area. Using the pseudonym, Brook, Respondent offered incalls within Riverside,
20 California. An undercover officer of the Riverside Police Department corresponded with
21 Respondent through mobile short message service. Respondent agreed to provide sex for pay and
22 arranged for a rendezvous at a motel along Magnolia Avenue. The undercover officer knocked at
23 Respondent's motel room and as soon as she identified herself as, Brook, other officers detained
24 her for soliciting prostitution. Respondent admitted to being the person corresponding with the
25 undercover officer through mobile short message service.

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SIXTH CAUSE FOR DISCIPLINE

**(Unprofessional Conduct - Commission of Any Act Involving Moral Turpitude, Dishonesty,
Fraud, Deceit, or Corruption)**

18. Respondent has subjected her license to discipline under Code section 4301, subdivision (f), in that she committed acts involving moral turpitude and corruption when she solicited for prostitution, as described in paragraph 17, above.

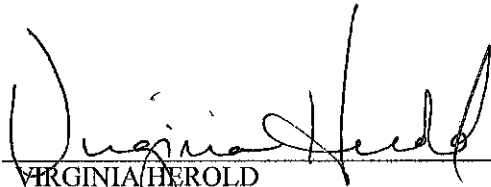
PRAYER

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 111069, issued to Cierra P. Reid;
2. Ordering Cierra P. Reid 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: _____

8/14/13



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

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