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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:

Case No. 4497

12 **SATIN C. VINSON a.k.a.,**
13 **SATIN CHARDE VINSON**
2140 E. Mintzer Street
14 Colton, CA 92324

A C C U S A T I O N

15 Pharmacy Technician Registration
No. TCH 108986

16 Respondent.

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18 Complainant alleges:

19 **PARTIES**

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

23 2. On or about December 23, 2010, the Board of Pharmacy (Board) issued Pharmacy
24 Technician Registration No. TCH 108986 to Satin C. Vinson also known as, Satin Charde Vinson
25 (Respondent). The Pharmacy Technician Registration expired on October 31, 2012, and has not
26 been renewed.

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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 in pertinent part, that the expiration shall not
6 deprive the Board jurisdiction to proceed with a disciplinary action during the period within
7 which the license may be renewed, restored, reissued or reinstated.

8 5. Section 490 states, in pertinent part:

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

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

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

19 6. Section 4300 provides in pertinent part, that every license issued by the Board is
20 subject to discipline, including suspension or revocation.

21 7. Section 4300.1 provides as follows:

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

25 8. Section 4301 states, in pertinent part:

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

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1 " (h) The administering to oneself, of any controlled substance, or the use of any dangerous
2 drug or of alcoholic beverages to the extent or in a manner as to be dangerous or injurious to
3 oneself, to a person holding a license under this chapter, or to any other person or to the public, or
4 to the extent that the use impairs the ability of the person to conduct with safety to the public the
5 practice authorized by the license.

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

15 **REGULATORY PROVISIONS**

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

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

21 **COST RECOVERY**

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

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1 **FIRST CAUSE FOR DISCIPLINE**

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

3 11. Respondent is subject to disciplinary action under sections 4301, subdivision (l) and
4 490, in conjunction with California Code of Regulations, title 16, section 1770, in that
5 Respondent has been convicted of a crime substantially related to the qualifications, functions or
6 duties of a pharmacy technician. On or about December 1, 2010, Respondent was convicted of
7 one misdemeanor count of violating Vehicle Code section 23152, subdivision (a) [driving under
8 the influence of alcohol or drugs] and one misdemeanor count of violating Vehicle Code section
9 23152, subdivision (b) [driving while having 0.08% or more, by weight, of alcohol in her blood]
10 in the criminal proceeding entitled *The People of the State of California v. Satin Charde Smith*
11 (Riverside County Superior Court Case No. RIM10014230). The Court sentenced Respondent to
12 serve 40 days in Riverside County Jail and placed her on 36 months probation, with terms and
13 conditions. The circumstances surrounding the conviction are that on or about September 3,
14 2010, Respondent was stopped for a traffic violation by the Corona Police Department after she
15 was observed driving erratically and weaving between traffic lanes. While speaking to
16 Respondent, the officer observed objective symptoms of intoxication by Respondent. Respondent
17 admitted that she was actively going to a rehab for an alcohol problem. Respondent was arrested
18 and subsequently submitted to a blood test that resulted in a blood alcohol content level of 0.33%.

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20 **SECOND CAUSE FOR DISCIPLINE**

21 **(Dangerous Use of Alcohol)**

22 12. Respondent is subject to disciplinary action under section 4301, subdivision (h), in
23 that on or about September 3, 2010, Respondent used alcoholic beverage to an extent or in a
24 manner dangerous or injurious to herself, another person, or the public. Complainant refers to,
25 and by this reference incorporates the allegations set forth above in paragraph 10, as though set
26 forth in fully.

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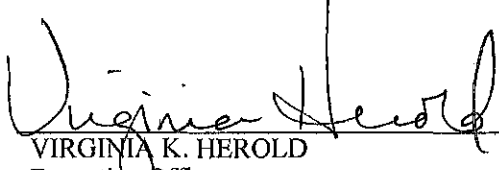
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PRAYER

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

1. Revoking or suspending Pharmacy Technician Registration No. TCH 108986, issued to Satin C. Vinson;
2. Ordering Satin C. Vinson also known as, Satin Charde Vinson to pay the Board the reasonable costs of the 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: 8/14/13



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

(rev.8/13/13)