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7 *Attorneys for Complainant*

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. 4563

12 **JESSICA YASMEEN ROMERO**

13 2314 Victoria Street  
14 San Bernardino, CA 92410

15 Pharmacy Technician Registration No. TCH  
116513

**A C C U S A T I O N**

16 Respondent.

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.
- 22 2. On or about September 20, 2011, the Board of Pharmacy issued Pharmacy Technician  
23 Registration Number TCH 116513 to Jessica Yasmeeen Romero ("Respondent"). The Pharmacy  
24 Technician Registration was in full force and effect at all times relevant to the charges brought  
25 herein and will expire on November 30, 2014, unless renewed.

26 **JURISDICTION AND STATUTORY PROVISIONS**

- 27 3. This Accusation is brought before the Board of Pharmacy ("Board"), Department of  
28 Consumer Affairs, under the authority of the following laws. All section references are to the

1 Business and Professions Code (“Code”) unless otherwise indicated.

2 4. Section 4300, subdivision (a) of the Code provides that “[e]very license issued may  
3 be suspended or revoked.”

4 5. Section 490 of the Code states, in pertinent part:

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

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

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

15 6. Section 4301 of the Code states, in pertinent part:

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

19 ...

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

22 ...

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



1 convicted of one misdemeanor of violating Penal Code section 484(a) [theft of personal property]  
2 in the criminal proceeding entitled *The People of the State of California v. Jessica Yasmeen*  
3 *Romero* (Super. Ct. San Bernardino County, 2012, Case No. MWV1203012). The court  
4 sentenced Respondent to two (2) days jail, placed her on 24 months probation, with terms and  
5 conditions. The circumstances underlying the criminal conviction are, as follows:

6 11. On or about June 12, 2012, Respondent, while working as a cashier at J.C. Penny's  
7 department store, scanned items and deleted the transactions, giving away \$220.00 worth of  
8 merchandise to her mother.

9 **SECOND CAUSE FOR DISCIPLINE**

10 **(Act Involving Dishonesty)**

11 12. Respondent is subject to disciplinary action under section 4300 and section 4301,  
12 subdivision (f) of the Code on the grounds of unprofessional conduct in that on or about June 12,  
13 2012, Respondent committed an act involving dishonesty when she scanned items and deleted the  
14 transactions giving away \$220.00 worth of merchandise to her mother. The conduct is described  
15 in more particularity in paragraph 11 above, inclusive and hereby incorporated by reference.

16 **THIRD CAUSE FOR DISCIPLINE**

17 **(Violation of Licensing Chapter)**

18 13. Respondent is subject to disciplinary action under section 4301, subdivision (o) of the  
19 Code in that Respondent violated provisions of the licensing chapter. The violations are  
20 described in more particularity in paragraphs 9 through 12 above, inclusive and hereby  
21 incorporated by reference.

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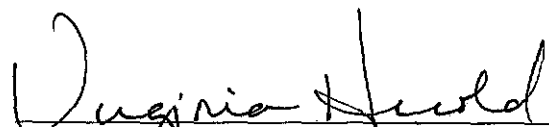
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PRAYER

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

1. Revoking or suspending Pharmacy Technician Registration Number TCH 116513, issued to Jessica Yasmeen Romero;
2. Ordering Jessica Yasmeen Romero 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: 7/22/13

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

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