

1 KAMALA D. HARRIS  
Attorney General of California  
2 ALFREDO TERRAZAS  
Senior Assistant Attorney General  
3 JAMES M. LEDAKIS  
Supervising Deputy Attorney General  
4 State Bar No. 132645  
110 West "A" Street, Suite 1100  
5 San Diego, CA 92101  
P.O. Box 85266  
6 San Diego, CA 92186-5266  
Telephone: (619) 645-2105  
7 Facsimile: (619) 645-2061  
*Attorneys for Complainant*

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

11 In the Matter of the Accusation Against:

Case No. 4633

12 **JERRICA MK OWENS**  
13 **22047 Newbridge Drive**  
14 **Lake Forest, CA 92630**

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

15 **Pharmacy Technician Registration**  
**No. TCH 91552**

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 July 30, 2009, the Board of Pharmacy issued Pharmacy Technician  
23 Registration Number TCH 91552 to Jerrica MK Owens (Respondent). The Pharmacy Technician  
24 Registration was in full force and effect at all times relevant to the charges brought herein. The  
25 license expired on May 31, 2013 and has not been renewed.

26 ///

27 ///

28 ///

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

## JURISDICTION

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

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

5. Section 4300.1 states:

The expiration, cancellation, forfeiture, or suspension of a board-issued license by 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 proceeding against, the licensee or to render a decision suspending or revoking the license.

## STATUTORY PROVISIONS

6. Section 482 of the Code states:

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

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

(b) Considering suspension or revocation of a license under Section 490. Each board shall take into account all competent evidence of rehabilitation furnished by the applicant or licensee.

7. Section 490 of the Code states:

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

(b) Notwithstanding any other provision of law, a board may exercise any authority to discipline a licensee for conviction of a crime that is independent of the authority granted under 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.

(c) A conviction within the meaning of this section means a plea or verdict of guilty or a conviction following a plea of nolo contendere. Any action that a board is permitted to take 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,

1 or when an order granting probation is made suspending the imposition of sentence,  
2 irrespective of a subsequent order under the provisions of Section 1203.4 of the Penal  
3 Code.

4 (d) The Legislature hereby finds and declares that the application of this  
5 section has been made unclear by the holding in *Petropoulos v. Department of*  
6 *Real Estate* (2006) 142 Cal.App.4th 554, and that the holding in that case has placed  
7 a significant number of statutes and regulations in question, resulting in potential  
8 harm to the consumers of California from licensees who have been convicted of  
9 crimes. Therefore, the Legislature finds and declares that this section establishes an  
10 independent basis for a board to impose discipline upon a licensee, and that the  
11 amendments to this section made by Senate Bill 797 of the 2007-2008 Regular  
12 Session.

13 8. Section 493 of the Code states:

14 Notwithstanding any other provision of law, in a proceeding conducted by a  
15 board within the department pursuant to law to deny an application for a license or  
16 to suspend or revoke a license or otherwise take disciplinary action against a person  
17 who holds a license, upon the ground that the applicant or the licensee has been  
18 convicted of a crime substantially related to the qualifications, functions, and duties  
19 of the licensee in question, the record of conviction of the crime shall be conclusive  
20 evidence of the fact that the conviction occurred, but only of that fact, and the board  
21 may inquire into the circumstances surrounding the commission of the crime in order  
22 to fix the degree of discipline or to determine if the conviction is substantially related  
23 to the qualifications, functions, and duties of the licensee in question.

24 9. Section 4301 of the Code states:

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

.....

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

.....

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

.....

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

1 shall be conclusive evidence only of the fact that the conviction occurred. The  
2 board may inquire into the circumstances surrounding the commission of the crime,  
3 in order to fix the degree of discipline or, in the case of a conviction not involving  
4 controlled substances or dangerous drugs, to determine if the conviction is of an  
5 offense substantially related to the qualifications, functions, and duties of a licensee  
6 under this chapter. A plea or verdict of guilty or a conviction following a plea of  
7 nolo contendere is deemed to be a conviction within the meaning of this provision  
8 The board may take action when the time for appeal has elapsed, or the judgment  
9 of conviction has been affirmed on appeal or when an order granting probation is  
10 made suspending the imposition of sentence, irrespective of a subsequent order  
11 under Section 1203.4 of the Penal Code allowing the person to withdraw his or her  
12 plea of guilty and to enter a plea of not guilty, or setting aside the verdict of guilty,  
13 or dismissing the accusation, information, or indictment.

14 . . . .

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

20 (p) Actions or conduct that would have warranted denial of a license.

21 . . . .

22 10. Section 4022 of the Code states:

23 "Dangerous drug" or "dangerous device" means any drug or device unsafe  
24 for self-use, except veterinary drugs that are labeled as such, and includes the  
25 following:

26 (a) Any drug that bears the legend: "Caution: federal law prohibits  
27 dispensing without prescription," "Rx only," or words of similar import.

28 (b) Any device that bears the statement: "Caution: federal law restricts  
this device to sale by or on the order of a \_\_\_\_\_," "Rx only," or words of similar  
import, the blank to be filled in with the designation of the practitioner licensed to  
use or order use of the device.

(c) Any other drug or device that by federal or state law can be lawfully  
dispensed only on prescription or furnished pursuant to Section 4006.

11. Section 4060 of the Code states:

No person shall possess any controlled substance, except that furnished to a  
person upon the prescription of a physician, dentist, podiatrist, or veterinarian, or  
furnished pursuant to a drug order issued by a certified nurse-midwife pursuant to  
Section 2746.51, a nurse practitioner pursuant to Section 2836.1, or a physician  
assistant pursuant to Section 3502.1. This section shall not apply to the possession  
of any controlled substance by a manufacturer, wholesaler, pharmacy, physician,



1 renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be  
2 included in a stipulated settlement.

3 **DRUGS**

4 16. Methamphetamine Is a Schedule II controlled substance pursuant to Health and Safety  
5 Code section 11055, subdivision (d), and a dangerous drug pursuant to Business and Professions Code  
6 section 4022.

7 **FIRST CAUSE FOR DISCIPLINE**

8 **(Unprofessional Conduct – Illegal Possession of a Controlled Substance –**  
9 **Methamphetamine – on November 8, 2012)**

10 17. Respondent is subject to disciplinary action under section 4301, subdivisions (j) and  
11 (o) of the Code on the grounds of unprofessional conduct, in that she was in possession of the  
12 controlled substance and dangerous drug, methamphetamine, without a prescription in violation  
13 of section 4060 of the Code and Health and Safety Code section 11350. The circumstances are as  
14 follows:

15 18. On or about November 8, 2012, at approximately 11:30 p.m., Riverside Sheriff's  
16 Office Deputies conducted a vehicle check at the Chevron gas station in Lake Elsinore,  
17 California. The vehicle was occupied by a white female adult (Respondent), who was asleep  
18 behind the wheel of the parked and running vehicle. Deputies knocked on the front driver side  
19 window to wake Respondent. Deputies observed a small, clear zip-lock baggie containing an off-  
20 white crystalline substance appearing to be methamphetamine in plain sight resting on the  
21 driver's seat in-between Respondent's right leg and the center console. Respondent woke up and  
22 was removed from the vehicle. Deputies also located a clear glass smoking pipe in Respondent's  
23 rear pant pocket which contained a thick, off-white, crystalline residue in the shaft and bulb, also  
24 appearing to be methamphetamine. Respondent admitted to deputies that the smoking pipe was  
25 hers. The off-white crystalline substance field-tested positive for methamphetamine. Respondent  
26 was arrested for possession of a controlled substance and possession of drug paraphernalia.

27 ///



1           23. The circumstances that led to the conviction are that on April 26, 2013, at  
2 approximately 8:00 p.m., Riverside County Sheriff's Deputies responded to a call of a domestic  
3 disturbance at 1800 E. Lakeshore Drive, #1709, in Lake Elsinore, California. Deputies contacted  
4 the victim (A.G.) in the parking lot. A.G. had redness and swelling around both eyes, and a small  
5 cut on the inside of his left nostril. A witness led deputies to the suspect (Respondent), who was  
6 inside the open garage of unit #1208. Respondent told deputies that she and A.G. lived together,  
7 that they had been at the Lake Elsinore Casino earlier that day and that A.G. had been assaulted  
8 by two males and sustained injuries to his face. Respondent admitted to verbally arguing with  
9 A.G. but claimed there was no physical contact between herself and A.G.

10           24. Deputies interviewed A.G. who told deputies that while at the Lake Elsinore Casino,  
11 he was pushed by a male, but that there had been no further incident at the casino. A.G. told  
12 deputies that he was upset at Respondent for walking away from him and leaving him alone at the  
13 casino and that A.G. returned to his residence and Respondent arrived later. They argued  
14 verbally and A.G. walked away from Respondent to avoid a physical confrontation. At  
15 approximately 5:00 p.m., Respondent struck A.G. in the face three times with the palms of her  
16 open hands, causing the injuries to his face.

17           25. Deputies then contacted the reporting party (R.P.), who told deputies that she heard  
18 Respondent screaming in the parking lot and saw her chasing A.G. who was walking away from  
19 Respondent, and that Respondent pushed A.G. in the back and jumped on his back. R.P. told  
20 deputies that Respondent and A.G. rounded a corner and the R.P. lost sight of them, and that  
21 about two minutes later, A.G. walked toward the R.P. and the R.P. observed that A.G. was  
22 bleeding from his nose and that the R.P. then dialed 9-1-1. Respondent was arrested and booked  
23 at the Southwest Detention Center for spousal abuse.

24 ///

25 ///

26 ///

27 ///

28 ///



1 **THIRD CAUSE FOR DISCIPLINE**

2 **(June 21, 2013 Criminal Conviction for Burglary on May 8, 2013)**

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

7 27. On or about June 21, 2013, in a criminal proceeding entitled *People of the State*  
8 *of California v. Jerrica Marjoriekentrell Owens*, in the Riverside Superior Court, Case  
9 No. SWF1301285, Respondent was convicted on her plea of guilty for violating Penal Code  
10 section 459 (burglary), a felony.

11 28. As a result of the conviction, the Court placed Respondent on 5 years formal  
12 probation and ordered her to serve 270 days in the custody of the Riverside County Sheriff. The  
13 Court also ordered, among other things, to pay various fees and fines, pay victim restitution in an  
14 amount to be determined by the probation department, not knowingly use nor possess any  
15 controlled substances unless lawfully prescribed to her, submit to chemical tests of blood, saliva,  
16 breath, or urine, or any reasonable physical test upon request of probation or any law enforcement  
17 officer, submit to search and seizure, participate and complete at her own expense any counseling  
18 rehabilitation/treatment program deemed appropriate by her probation officer, not associate with  
19 any unrelated person known to be on probation or parole, not associate with any unrelated person  
20 known to be a possessor, user, or trafficker of controlled substances, not leave the State of  
21 California without first obtaining written permission of the probation department, inform  
22 probation officer of place of residence and reside at residence approved by probation officer, seek  
23 and maintain gainful employment or attend a full-time school or vocational program, submit to  
24 immediate search and seizure of person, property, residence, and/or storage units, at any time by  
25 probation officer law enforcement with or without reasonable cause, not have any direct or  
26 indirect contact with G.P., not annoy, harass, threaten, or disturb the peace of G.P., pay pre-  
27 sentence incarceration costs of \$6,408 (incarcerated for 45 days), report to probation officer

28 ///

1 immediately or within 2 days of release from custody, and report any law enforcement contacts to  
2 probation officer within 48 hours.

3         29.     The circumstances that led to Respondent's conviction are that on May 8, 2013, at  
4 approximately 10:30 a.m., Riverside Sheriff's Deputies were dispatched to 215 E. Prospect Street  
5 in Lake Elsinore, California, reference a burglary at the residence. Upon arrival, deputies  
6 observed that there appeared to have been entry made into the residence from the front window.  
7 As Deputies walked to the side of the residence, they observed the victim, G.P., who appeared to  
8 be extremely scared. G.P. told deputies that when she returned to her residence with her cousin,  
9 F.C., she observed that the front side window and door were open. G.P. told deputies that she  
10 was concerned about being burglarized and decided to walk into the house as F.C. stayed near the  
11 front door, that she could hear someone in her bedroom moving things, and that G.P. walked to  
12 the door of her bedroom and saw Respondent on the other side of her bed rummaging through her  
13 property. G.P. told deputies that she was scared for her life and asked Respondent in Spanish  
14 what she was doing there, and that Respondent looked at her like she did not understand and  
15 continued to sift through her property. G.P. then went to the back of the apartment to lock the  
16 door and saw Respondent exit her room and make her way to the front door. G.P. told deputies  
17 that she kept telling Respondent to stop as she continued to walk away from her. G.P. told  
18 Deputies that Respondent left the residence with nothing in her hands, leaving a partially packed  
19 suitcase with her property in it. G.P. told deputies that her cousin, G.P., and a neighbor, A.F.,  
20 observed Respondent exiting the home and followed her on foot as she walked next door and then  
21 called the police to report the burglary. G.P. estimated the value of a box with missing jewelry at  
22 \$450. Deputies made contact with Respondent who was positively identified as the person that  
23 burglarized G.P.'s home and was arrested and transported to the Lake Elsinore station.

24         30.     Once at the station, Respondent agreed to talk to Deputies and told them that she  
25 saw what appeared to be a house being served with an eviction notice and decided to check the  
26 residence. Respondent told deputies that she has burglarized other residences in the past in the  
27 City of Lake Elsinore and thought she could get away with it. Respondent told deputies she went  
28 to the location because it appeared vacant and attempted to open the window in the back of the

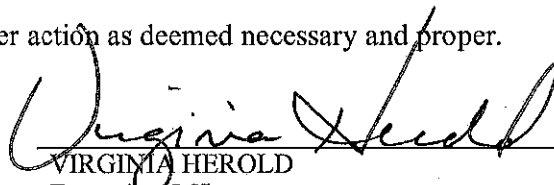
1 residence and could not, so she decided to go to the front where she removed a screen and pushed  
2 the window open and gained entry into the residence. Respondent told deputies that she then  
3 proceeded to place clothes and pieces of property into suitcases that she found inside the  
4 residence and then went to the front bedroom and began sifting through drawers and placed  
5 jewelry in her pockets. Respondent told deputies that she generally takes anything of value but  
6 specifically likes jewelry because she can get cash for it. The matter was referred to the Riverside  
7 County District Attorney's Office for prosecution.

8 **PRAYER**

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

- 11 1. Revoking or suspending Pharmacy Technician Registration Number TCH 91552  
12 issued to Jerrica MK Owens;
- 13 2. Ordering Jerrica MK Owens to pay the Board of Pharmacy the reasonable costs of the  
14 investigation and enforcement of this case, pursuant to Business and Professions Code section  
15 125.3;
- 16 3. Taking such other and further action as deemed necessary and proper.

17 DATED: 9/6/13



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

21 SD2013805140  
22 70730584.docx