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

10 In the Matter of the Accusation Against:

Case No. 4673

11 **ANTOINETTE LATRECE BLUE**
12 1503 W. 111th Pl.
13 Los Angeles, CA 90047

A C C U S A T I O N

14 Pharmacy Technician Registration
15 No. TCH 85892

Respondent.

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17 Complainant alleges:

18 **PARTIES**

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

21 2. On or about November 14, 2008, the Board of Pharmacy (Boad) issued Pharmacy
22 Technician Registration No. TCH 85892 to Antoinette Latrece Blue (Respondent). The Pharmacy
23 Technician Registration was in full force and effect at all times relevant to the charges brought
24 herein and will expire on April 30, 2014, unless renewed.

25 **JURISDICTION**

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

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STATUTORY PROVISIONS

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

5 5. Section 490 states, in pertinent part:

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

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

14 "(c) A conviction within the meaning of this section means a plea or verdict of guilty or a
15 conviction following a plea of nolo contendere. Any action that a board is permitted to take
16 following the establishment of a conviction may be taken when the time for appeal has elapsed, or
17 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
19 provisions of Section 1203.4 of the Penal Code. . . ."

20 6. Section 4300, subdivision (a), states that "[e]very license issued may be suspended or
21 revoked."

22 7. Section 4301 states, in pertinent part:

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

26

27 "(f) The commission of any act involving moral turpitude, dishonesty, fraud, deceit, or
28 corruption, whether the act is committed in the course of relations as a licensee or otherwise, and

1 whether the act is a felony or misdemeanor or not.

2 "(g) Knowingly making or signing any certificate or other document that falsely represents
3 the existence or nonexistence of a state of facts.

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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. . . ."

7 **REGULATORY PROVISION**

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

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

15 **COST RECOVERY**

16 9. Section 125.3 provides that the Board may request the administrative law judge to
17 direct a licentiate found to have committed a violation or violations of the licensing act to pay a
18 sum not to exceed the reasonable costs of the investigation and enforcement of the case.

19 **FIRST CAUSE FOR DISCIPLINE**

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

21 10. Respondent is subject to disciplinary action under sections 490, 4300 and 4301,
22 subdivision (l), in conjunction with California Code of Regulations, title 16, section 1770, on the
23 grounds of unprofessional conduct, in that Respondent was convicted of a substantially related
24 crime, as follows:

25 a. On or about February 19, 2014, after pleading guilty, Respondent was convicted of
26 one felony count of violating Penal Code sections 459-460, subdivision (d) [Second Degree
27 Commercial Burglary] in the criminal proceeding entitled *The People of the State of California v.*
28 *Antonette Latrece Blue* (Super. Ct. Orange County, No. IPD 12-07092). The Court sentenced

1 Respondent to 90 days in jail, placed her on three (3) years probation, ordered her to pay full
2 restitution and additional fees and costs.

3 b. The circumstances underlying the conviction are that on or about May 27, 2012,
4 Respondent entered a Target in Irvine, CA and made a purchase using fake American Express
5 Cashier's checks. Respondent was subsequently arrested by the Irvine Police Department for
6 violating Penal Code section 459 [burglary: second degree], Penal code section 475, subdivision
7 (c) [possessing completed check with intent to defraud].

8 **SECOND CAUSE FOR DISCIPLINE**

9 **(Unprofessional Conduct/ Violation of Licensing Chapter)**

10 11. Respondent is subject to disciplinary action under section 4301, subdivision (o), in
11 that Respondent committed acts of unprofessional conduct and/ or violated provisions of the
12 licensing chapter. Complainant refers to, and by this reference incorporates, the allegations set
13 forth above in paragraph 9, as though set forth fully.

14 **THIRD CAUSE FOR DISCIPLINE**

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

16 12. Respondent is subject to disciplinary action under sections 4300 and 4301,
17 subdivision (f), on the grounds of unprofessional conduct, in that Respondent committed acts
18 involving moral turpitude, dishonesty, fraud, deceit, or corruption. Complainant refers to and by
19 this reference incorporates the allegations set forth above in paragraphs 9, as though set forth
20 fully.

21 **PRAYER**

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

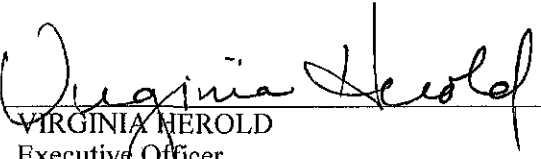
24 1. Revoking or suspending Pharmacy Technician Registration No. TCH 85892, issued to
25 Antoinette Latrece Blue;

26 2. Ordering Antoinette Latrece Blue to pay the Board the reasonable costs of the
27 investigation and enforcement of this case, pursuant to section 125.3; and
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3. Taking such other and further action as deemed necessary and proper.

DATED: 5/3/14


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

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mc (10/15/13)