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

12 In the Matter of the Accusation Against:

Case No. 4716

13 **MAURA MORRIS**
12151 Fremont Street, SP67
Yucaipa, CA 92399

A C C U S A T I O N

14 Pharmacy Technician Registration
15 No. TCH 62966

16 Respondent.

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 June 13, 2005, the Board of Pharmacy (Board) issued Pharmacy
22 Technician Registration No. TCH 62966 to Maura Morris (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 August 31, 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.

28

1

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

5

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

23

24 "(o) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the
25 violation of or conspiring to violate any provision or term of this chapter or of the applicable
26 federal and state laws and regulations governing pharmacy, including regulations established by
27 the board or by any other state or federal regulatory agency."

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1 **REGULATORY PROVISIONS**

2 8. California Code of Regulations, title 16, section 1770 states, in pertinent part:

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

9 **COST RECOVERY**

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

14 **FIRST CAUSE FOR DISCIPLINE**

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

16 10. Respondent is subject to disciplinary action under sections 4301, subdivision (l) and
17 490, in conjunction with California Code of Regulations, title 16, section 1770, in that on or
18 around February 7, 2013, Respondent was convicted of one misdemeanor count of violating Penal
19 Code section 484, subdivision (a) [petty theft] in the criminal proceeding entitled *The People of*
20 *the State of California v. Maura Glen Morris* (Super. Ct. Los Angeles County, 2013, Case No.
21 2CP05797.) The circumstances underlying the conviction are that on or about October 2, 2012,
22 Respondent entered the home goods department of JC Penney, in Carson, CA. where she was
23 observed by a loss prevention officer selecting a Keurig coffee maker off the shelf and proceeding
24 to the children's department where she returned the coffee maker for store credit. Respondent
25 received \$163.12 in store credit and walked out of the store before being detained. When
26 questioned by arresting officers, Respondent advised that stealing items and returning them for
27 store credit was an easy way to make money. A consumer return history document generated by
28 store personnel revealed that Respondent had "returned" close to \$10,000 in merchandise over a

1 six week period. As a result of the conviction, the Court sentenced Respondent to serve 3 days in
2 Los Angeles County jail and placed her on 24 months probation subject to terms and conditions.

3 **SECOND CAUSE FOR DISCIPLINE**

4 **(Acts Involving Dishonesty, Fraud, Deceit, or Corruption)**

5 11. Respondent is subject to disciplinary action under section 4301, subdivision (f), in
6 that on or about October 2, 2012, Respondent committed an act involving dishonesty, fraud,
7 deceit, or corruption with the intent to substantially benefit herself, or substantially injure another.
8 Complainant refers to, and by reference incorporates, the allegations set forth above in paragraph
9 10 as though set forth fully.

10 **THIRD CAUSE FOR DISCIPLINE**

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

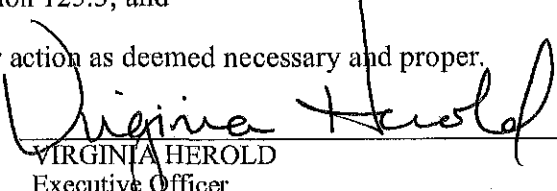
12 12. Respondent is subject to disciplinary action under section 4301, (o), in that
13 Respondent committed acts of unprofessional conduct and/ or violated provisions of the licensing
14 chapter. Complainant refers to, and by this reference incorporates, the allegations set forth above
15 in paragraphs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

16 **PRAYER**

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

- 19 1. Revoking or suspending Pharmacy Technician Registration No. TCH 62966, issued
20 to Maura Morris;
- 21 2. Ordering Maura Morris to pay the Board the reasonable costs of the investigation and
22 enforcement of this case, pursuant to section 125.3; and
- 23 3. Taking such other and further action as deemed necessary and proper.

24 DATED: 2/4/14


25 VIRGINIA HEROLD
26 Executive Officer
27 Board of Pharmacy
28 Department of Consumer Affairs
State of California
Complainant

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