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8	BEFORE THE BOARD OF PHARMACY	
9	DEPARTMENT OF CONSUMER AFFAIRS STATE OF CALIFORNIA	
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11	In the Matter of the Accusation Against: Case No. 4777	
12	BRITTANY NICOLE ANTOGNAZZI 18 Virginia Gardens	
13	Berkeley, CA 94702 A C C U S A T I O N	
14	Pharmacy Technician License No. TCH 83750	
15	Respondent.	
16	Complainant alleges:	
17	PARTIES	
18	1. Virginia Herold (Complainant) brings this Accusation solely in her official capacity	
19	as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs.	
20	2. On or about May 20, 2009, the Board of Pharmacy issued Pharmacy Technician	
21	License Number TCH 83750 to Brittany Nicole Antognazzi (Respondent). The Pharmacy	
22	Technician License was in full force and effect at all times relevant to the charges brought herein	
23	and will expire on June 30, 2014, unless renewed.	
24		
25	JURISDICTION	
26	3. This Accusation is brought before the Board of Pharmacy (Board), Department of	
27	Consumer Affairs, under the authority of the following laws. All section references are to the	
28	Business and Professions Code (Code) unless otherwise indicated.	
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1	Accusation	

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ł 4. Section 4011 of the Code provides that the Board shall administer and enforce both
 the Pharmacy Law [Bus. & Prof. Code, § 4000 et seq.] and the Uniform Controlled Substances
 Act [Health & Safety Code, § 11000 et seq.].

5. Section 4300(a) of the Code provides that every license issued by the Board may be
suspended or revoked.

6 6. Section 4300.1 of the Code provides that the expiration, cancellation, forfeiture, or
7 suspension of a Board-issued license, the placement of a license on a retired status, or the
8 voluntary surrender of a license by a licensee, shall not deprive the Board of jurisdiction to
9 commence or proceed with any investigation of, or action or disciplinary proceeding against, the
10 licensee or to render a decision suspending or revoking the license.

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STATUTORY AND REGULATORY PROVISIONS

7. Section 4301 of the Code provides, in pertinent part, that the Board shall take action
against any holder of a license who is guilty of "unprofessional conduct," defined to include, but
not be limited to, any of the following:

16 (1) The conviction of a crime substantially related to the qualifications, functions, and duties
17 of a licensee under this chapter.

8. Section 490 of the Code provides, in pertinent part, that the Board may suspend or
revoke a license when it finds that the licensee has been convicted of a crime substantially related
to the qualifications, functions or duties of the license.

21

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

22 "For the purpose of denial, suspension, or revocation of a personal or facility license 23 pursuant to Division 1.5 (commencing with Section 475) of the Business and Professions Code, a 24 crime or act shall be considered substantially related to the qualifications, functions or duties of a 25 licensee or registrant if to a substantial degree it evidences present or potential unfitness of a 26 licensee or registrant to perform the functions authorized by her license or registration in a manner 27 consistent with the public health, safety, or welfare."

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10. Section 125.3 of the Code provides, in pertinent part, that the Board may request the administrative law judge to direct a licentiate found to have committed a violation of the licensing act to pay a sum not to exceed its reasonable costs of investigation and enforcement.

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FACTUAL BACKGROUND

6 11. On or about March 2, 2013, Beaumont (California) Police Department officer(s) were
7 called to respond to a domestic disturbance at a residence in Desert Hot Springs, California, and
8 were told by members of Respondent's family that Respondent had gotten into argument(s) with
9 one or more members of the family. Respondent's family further reported that Respondent told
10 her boyfriend, who was present and known to own a handgun, to shoot Respondent's brother, and
11 that Respondent said she and her boyfriend would come back and kill everybody in the family.
12 Both Respondent's brother and her mother signed citizen's arrest forms against Respondent.

12. Respondent was arrested and subsequently criminally charged for this conduct (see 13 below). On or about April 21, 2013, Desert Hot Springs (California) Police Department officer(s) 14 were called to a residence in that city to respond to a report of vandalism. They discovered that 15 the tire(s) on Respondent's brother's car had been slashed, which Respondent's brother attributed 16 to Respondent. Respondent's brother said that the previous night his sister (Respondent) had said 17 he had better drop the pending charges, or "watch what happens," and had also said specifically 18 his car would be damaged/Respondent would slash his tires if he did not drop the charges. He 19 also produced a letter that he said Respondent had given him to send to the District Attorney, 20 21 written as if Respondent's brother were the author, saying that Respondent's brother forgave her and did not want the District Attorney to pursue the charges. Respondent's brother's version of 22 events was corroborated by his girlfriend, who was present when Respondent made the threats, 23 and she said that Respondent admitted to having slashed her brother's tire(s). 24

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- 13. Respondent was arrested and subsequently charged for this conduct (see below).
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III.

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1	FIRST CAUSE FOR DISCIPLINE
2	(Conviction of Substantially Related Crime(s))
3	14. Respondent is subject to discipline under section 4301(1) and/or section 490 of the
4	Code, by reference to California Code of Regulations, title 16, section 1770, for the conviction of
5	substantially related crime(s), in that on or about May 2, 2013, in the criminal case People v.
6	Brittany Antognazzi, Case No. INM1302030 in Riverside County Superior Court, Respondent
7	was convicted of violating Penal Code section 422 (Criminal Threats of Death or Great Bodily
8	Injury), a misdemeanor. The conviction was entered as follows:
9	a. On or about March 2, 2013, based on the incident(s) described in paragraph 11
10	above, Respondent was placed under arrest on charges including a suspected violation of Penal
11	Code section 422 (Criminal Threats of Death or Great Bodily Injury).
12	b. On or about March 6, 2013, Respondent was charged by criminal complaint in
13	Case No. INM1302030 with violating Penal Code section 422 (Criminal Threats of Death or
14	Great Bodily Injury), a misdemeanor.
15	c. On or about May 2, 2013, Respondent pleaded guilty and was convicted of
16	violating Penal Code section 422 (Criminal Threats of Death or Great Bodily Injury), a
17	misdemeanor. Respondent was sentenced to a period of summary probation of three (3) years, on
18	terms and conditions including 28 days in county jail, search conditions, an order not to annoy,
19	harass, threaten, or disturb the peace of her brother, and fines and fees.
20	
21	SECOND CAUSE FOR DISCIPLINE
22	(Conviction of Substantially Related Crime(s))
23	15. Respondent is subject to discipline under section 4301(1) and/or section 490 of the
24	Code, by reference to California Code of Regulations, title 16, section 1770, for the conviction of
25	substantially related crime(s), in that on or about May 2, 2013, in the criminal case People v.
26	Brittany Antognazzi, Case No. INF1301020 in Riverside County Superior Court, Respondent was
27	convicted of violating Penal Code section 136.1, subdivision (a)(2) (Attempting to Prevent or
28	Dissuade Witness from Testifying), a misdemeanor. The conviction was entered as follows:
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1	a. On or about April 21, 2013, based on the incident(s) described in paragraph 12
2	above, Respondent was placed under arrest on charges including a suspected violation of Penal
3	Code section 136.1, subdivision (a)(2) (Attempting to Prevent/Dissuade Witness from Testifying).
4	b. On or about April 25, 2013, Respondent was charged by criminal complaint in
5	Case No. INF1301020 with violating Penal Code section 136.1, subdivision (a)(2) (Attempting to
6	Prevent/Dissuade Witness from Testifying), a felony.
7	c. On or about May 2, 2013, the charge was amended to a misdemeanor and then
8	Respondent pleaded guilty and was convicted of violating Penal Code section 136.1, subdivision
9	(a)(2) (Attempting to Prevent/Dissuade Witness from Testifying), a misdemeanor. Respondent
10	was sentenced to a period of summary probation of thirty-six (36) months, on terms and
11	conditions including 28 days in county jail, 200 hours of community service, search conditions,
12	counseling/rehabilitation/treatment as ordered by probation, anger management counseling, an
13	order not to annoy, harass, threaten, or disturb the peace of her brother, and fines and fees.
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15	THIRD CAUSE FOR DISCIPLINE
16	(Unprofessional Conduct)
17	16. Respondent is subject to discipline under section 4301 of the Code in that, as
18	described in paragraph(s) 11 to 15 above, Respondent engaged in unprofessional conduct.
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22	PRAYER
23	WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
24	and that following the hearing, the Board of Pharmacy issue a decision:
25	1. Revoking or suspending Pharmacy Technician License Number TCH 83750, issued to
26	Brittany Nicole Antognazzi (Respondent);
27	2. Ordering Respondent to pay the Board the reasonable costs of the investigation and
28	enforcement of this case, pursuant to Business and Professions Code section 125.3;
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	Accusation

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3. Taking such other and further action as is deemed necessary and proper. 21/13 $| \bigcirc$ DATED: VIRGINIA NEROLD Executive Officer Board of Pharmacy Department of Consumer Affairs State of California Complainant SF2013405522 40763256.doc . 6