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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. 5144

13 **JACE CHRISTOPHER BODDA**
6226 Henriles St.
14 Lakewood, CA 90713

15 Pharmacy Technician Registration
No. TCH 85479

A C C U S A T I O N

16 Respondent.

17
18 Complainant alleges:

19 **PARTIES**

20 1. Virginia K. Herold (Complainant) brings this Accusation solely in her official
21 capacity as the Executive Officer of the California State Board of Pharmacy (Board).

22 2. On or about March 22, 2010, the Board issued Pharmacy Technician Registration
23 No. TCH 85479 to Jace Christopher Bodda (Respondent). The Pharmacy Technician
24 Registration expired on December 21, 2011, and has not been 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 STATUTORY PROVISIONS

2 4. Section 490 states, in pertinent part:

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

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

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

17 5. Section 726 states:

18 Section 4300 provides in pertinent part, that every license issued by the Board is
19 subject to discipline, including suspension or revocation.

20 6. Section 4300.1 states:

21 "The expiration, cancellation, forfeiture, or suspension of a board-issued license by
22 operation of law or by order or decision of the board or a court of law, the placement of a license
23 on a retired status, or the voluntary surrender of a license by a licensee shall not deprive the board
24 of jurisdiction to commence or proceed with any investigation of, or action or disciplinary
25 proceeding against, the licensee or to render a decision suspending or revoking the license."

26 7. Section 4301 states, in pertinent part:

27 "The board shall take action against any holder of a license who is guilty of unprofessional
28 conduct or whose license has been procured by fraud or misrepresentation or issued by mistake.

1 Unprofessional conduct shall include, but is not limited to, any of the following:

2 ...

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

6 ...

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

24 ...

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

1 **REGULATORY PROVISIONS**

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

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 **(Convictions of a Substantially Related Crime)**

16 10. Respondent is subject to disciplinary action under sections 4301, subdivision (I) and
17 490, in conjunction with California Code of Regulations, title 16, section 1770, in that
18 Respondent was convicted of a crime substantially related to the qualification, functions, or duties
19 of a pharmacy technician, as follows:

20 a. On or about October 10, 2013, after pleading nolo contendere, Respondent was
21 convicted of three misdemeanor counts of violating Penal Code section 314, subdivision (1)
22 [indecent exposure] in the criminal proceeding entitled *The People of the State of California v.*
23 *Jace Bodda* (Super. Ct. L.A. County, 2013, No. 3BF00929). The Court sentenced Respondent to
24 serve 60 days in Los Angeles County Jail, placed him under 3 years probation, with terms and
25 conditions, and ordered him to register as a sex offender.

26 b. The circumstances surrounding the conviction are that on or about February 15, 2013,
27 Respondent exposed his person, or the private parts thereof, in a public place, or in any place
28 where there are present other persons to be offended or annoyed.

1 SECOND CAUSE FOR DISCIPLINE

2 (Acts Involving Moral Turpitude, Dishonesty, Fraud, or Deceit)

3 11. Respondent is subject to disciplinary action under section 4301, subdivision (f), in
4 that Respondent committed acts involving moral turpitude, dishonesty, fraud, or deceit.
5 Complainant refers to, and by this reference incorporates, the allegations set forth above in
6 paragraph 11, subparagraph (b), as though set forth fully.

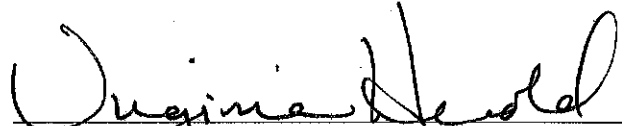
7 PRAYER

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

- 10 1. Revoking or suspending Pharmacy Technician Registration No. TCH 85479, issued
11 to Jace Christopher Bodda;
- 12 2. Ordering Jace Christopher Bodda to pay the Board the reasonable costs of the
13 investigation and enforcement of this case, pursuant to section 125.3; and
- 14 3. Taking such other and further action as deemed necessary and proper.

15
16 DATED: _____

6/14/14



VIRGINIA K. HEROLD
Executive Officer
California State Board of Pharmacy
State of California
Complainant

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