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

12 In the Matter of the Accusation Against:

Case No. 5364

13 **CORINA M. PEREZ**  
14 **5848 Streamview Drive, Apartment 1**  
**San Diego, CA 92105**

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

15 **Pharmacy Technician Registration No. TCH 42065**

16 Respondent.

17  
18 Complainant alleges:

19 **PARTIES**

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

22 2. On about April 5, 2002, the Board of Pharmacy issued Pharmacy Technician  
23 Registration Number TCH 42065 to Corina M. Perez (Respondent). Respondent has also been  
24 known as Corina Maria Perez. The Pharmacy Technician Registration was in full force and  
25 effect at all times relevant to the charges brought herein and will expire on December 31, 2015,  
26 unless renewed.

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1 **JURISDICTION**

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

5 4. Code section 4300, subdivision (a) provides that every license issued by the  
6 Board may be suspended or revoked.

7 5. Code section 4300.1 states:

8 The expiration, cancellation, forfeiture, or suspension of a board-issued  
9 license by operation of law or by order or decision of the board or a court of law,  
10 the placement of a license on a retired status, or the voluntary surrender of a  
11 license by a licensee shall not deprive the board of jurisdiction to commence or  
12 proceed with any investigation of, or action or disciplinary proceeding against, the  
13 licensee or to render a decision suspending or revoking the license.

12 **STATUTORY PROVISIONS**

13 6. Code section 482 states:

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

- 16 (a) Considering the denial of a license by the board under Section 480; or
- 17 (b) Considering suspension or revocation of a license under Section 490.

18 Each board shall take into account all competent evidence of rehabilitation  
19 furnished by the applicant or licensee.

20 7. Code section 490 provides, in pertinent part, that a board may suspend or revoke a  
21 license on the ground that the licensee has been convicted of a crime substantially related to the  
22 qualifications, functions, or duties of the business or profession for which the license was issued.

23 8. Code section 493 states:

24 Notwithstanding any other provision of law, successful completion of any  
25 diversion program under the Penal Code, or successful completion of an alcohol  
26 and drug problem assessment program under Article 5 (commencing with Section  
27 23249.50) of Chapter 12 of Division 11 of the Vehicle Code, shall not prohibit  
28 any agency established under Division 2 (commencing with Section 500) of this  
code, or any initiative act referred to in that division, from taking disciplinary  
action against a licensee or from denying a license for professional misconduct,  
notwithstanding that evidence of that misconduct may be recorded in a record  
pertaining to an arrest. This section shall not be construed to apply to any drug

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1 diversion program operated by any agency established under Division 2  
2 (commencing with Section 500) of this code, or any initiative act referred to in  
3 that division.

4 9. Section 4301 of the Code states:

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

8 . . . .

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

11 . . . .

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

23 . . . .

24 **REGULATORY PROVISIONS**

25 10. California Code of Regulations, title 16, section 1769, states:

26 . . . .

27 (b) When considering the suspension or revocation of a facility or a  
28 personal license on the ground that the licensee or the registrant has been

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1 convicted of a crime, the board, in evaluating the rehabilitation of such person and  
2 his present eligibility for a license will consider the following criteria:

- 3 (1) Nature and severity of the act(s) or offense(s).
- 4 (2) Total criminal record.
- 5 (3) The time that has elapsed since commission of the act(s) or  
6 offense(s).
- 7 (4) Whether the licensee has complied with all terms of parole,  
8 probation, restitution or any other sanctions lawfully imposed against the licensee.
- 9 (5) Evidence, if any, of rehabilitation submitted by the licensee.

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

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

#### 18 **COST RECOVERY**

19 12. Section 125.3 of the Code provides, in pertinent part, that the Board may request  
20 the administrative law judge to direct a licentiate found to have committed a violation or  
21 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation  
22 and enforcement of the case, with failure of the licentiate to comply subjecting the license to not  
23 being renewed or reinstated. If a case settles, recovery of investigation and enforcement costs  
24 may be included in a stipulated settlement.

#### 25 **FIRST CAUSE FOR DISCIPLINE**

26 **(September 30, 2014 Conviction for Grand Theft of Personal Property on June 5, 2014)**

27 13. Respondent has subjected her pharmacy technician registration to discipline under  
28 Code sections 490 and 4301, subdivision (l) in that Respondent was convicted of a crime that is  
substantially related to the qualifications, functions, and duties of a registered pharmacy  
technician. The circumstances are as follows:

a. On March 9, 2014, in a criminal proceeding entitled *The People of the  
State of California vs. Corina Maria Perez*, in San Diego County Superior Court, Central

1 Courthouse, Central County Division Case Number SCD257404, Respondent was convicted on  
2 her plea of guilty to violating Penal Code (PC) section 487, subdivision (a), grand theft of  
3 personal property, a felony. A felony charge for violation of PC section 496, subdivision (a),  
4 receiving stolen property, was dismissed under a plea bargain.

5           b.       As a result of the conviction, on September 30, 2014, Respondent was  
6 sentenced to be committed to the custody of the San Diego County Sheriff for nine days, with  
7 credit for five days actually served and four days for good behavior, and granted three years  
8 felony probation under drug and violence program terms. Respondent was ordered to render ten  
9 days of service under the public service program and attend and successfully complete an anti-  
10 theft and cognitive behavioral counseling program. Respondent was also ordered to pay fees,  
11 fines, assessments, and victim restitution and to not be within 100 feet of the victim  
12 establishment.

13           c.       The facts that led to the discipline are that on June 5, 2014, while utilizing  
14 her security guard registration, employed by a private patrol operator, and assigned as a security  
15 guard at a Cox Communications facility in San Diego, California, Respondent entered a secured  
16 interior warehouse and took four tablet computers (IPads). Respondent then took the IPads to her  
17 residence and gifted them to her husband, her two children, and herself. On June 6, 2014, a Cox  
18 Communications investigator, utilizing an electronic software, traced the exact location of the  
19 IPads, which corresponded to Respondent's residential address. A review of Cox  
20 Communications access control records showed that Respondent accessed the warehouse on  
21 three occasions: June 1, 2014 at 6:46 p.m., June 4, 2014 at 7:26 p.m., and June 4, 2014 at 7:42  
22 p.m. Respondent had card access to the warehouse but was authorized access only in cases of  
23 emergency. On July 17, 2014, detectives from the San Diego Police Department executed a  
24 search warrant and located inside Respondent's residence the four missing IPads. Respondent  
25 was arrested for burglary and possession of stolen property. Thereafter, Respondent was booked  
26 and transported to the Las Colinas Women's Detention Facility.

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1 **SECOND CAUSE FOR DISCIPLINE**

2 **(Unprofessional Conduct - Commission of Any Act Involving Moral Turpitude, Dishonesty,**  
3 **Fraud, Deceit, or Corruption)**

4 14. Respondent has subjected her pharmacy technician registration to discipline under  
5 Code section 4301, subdivision (f), in that she committed acts involving moral turpitude,  
6 dishonesty, fraud, deceit, and corruption when she stole the four iPads from a commercial  
7 facility that was assigned to her by her employer to protect from losses, including theft, as  
8 described in paragraph 13, above, and incorporated herein by this reference.

9 **DISCIPLINARY CONSIDERATIONS**

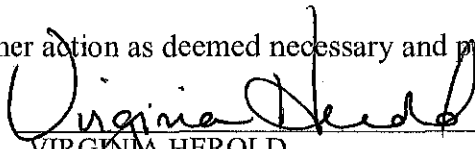
10 15. To determine the degree of discipline, if any, to be imposed on Respondent,  
11 Complainant alleges that on March 24, 2003, Respondent was arrested for violating Health and  
12 Safety Code sections 11378, possession of a controlled substance for sale, and 11370.1,  
13 subdivision (a), possession of a controlled substance while armed. As a result, the Board issued  
14 Citation Number CI 2002 25267 and assessed a fine of \$500.00, which she paid.

15 **PRAYER**

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

- 18 1. Revoking or suspending Pharmacy Technician Registration Number TCH 42065,  
19 issued to Corina M. Perez;
- 20 2. Ordering Corina M. Perez to pay the Board of Pharmacy the reasonable costs of  
21 the investigation and enforcement of this case, pursuant to Business and Professions Code  
22 section 125.3; and
- 23 3. Taking such other and further action as deemed necessary and proper.

24 DATED: 3/31/15

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

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