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7  
8 **BEFORE THE**  
**BOARD OF PHARMACY**  
9 **DEPARTMENT OF CONSUMER AFFAIRS**  
**STATE OF CALIFORNIA**

10 In the Matter of the Accusation Against:

Case No. 5398

11 **JAMIE CHRISTINA WEIND**  
12 **8925 Lawlor Street**  
13 **Oakland, CA 94605**

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

14 **Pharmacy Technician Registration No. TCH**  
**96608**  
15 **Designated Representative Certificate No.**  
**EXC 21963**

16 Respondent.

17  
18 Complainant alleges:

19 **PARTIES**

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

22 2. On or about July 16, 2010, the Board of Pharmacy issued Pharmacy Technician  
23 Registration Number TCH 96608 to Jamie Christina Weind (Respondent). The Pharmacy  
24 Technician Registration was in full force and effect at all times relevant to the charges brought  
25 herein and will expire on February 29, 2016, unless renewed.

26 3. On or about October 23, 2012, the Board of Pharmacy issued Designated  
27 Representative Certificate Number EXC 21963 to Respondent. The Designated Representative  
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1 Certificate was in full force and effect at all times relevant to the charges brought herein and will  
2 expire on October 1, 2015, unless renewed.

3 **JURISDICTION**

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

7 5. Section 4300 of the Code states:

8 "(a) Every license issued may be suspended or revoked.

9 "(b) The board shall discipline the holder of any license issued by the board, whose default  
10 has been entered or whose case has been heard by the board and found guilty, by any of the  
11 following methods:

12 "(1) Suspending judgment.

13 "(2) Placing him or her upon probation.

14 "(3) Suspending his or her right to practice for a period not exceeding one year.

15 "(4) Revoking his or her license.

16 "(5) Taking any other action in relation to disciplining him or her as the board in its  
17 discretion may deem proper.

18 ". . . .

19 "(e) The proceedings under this article shall be conducted in accordance with Chapter 5  
20 (commencing with Section 11500) of Part 1 of Division 3 of the Government Code, and the board  
21 shall have all the powers granted therein. The action shall be final, except that the propriety of the  
22 action is subject to review by the superior court pursuant to Section 1094.5 of the Code of Civil  
23 Procedure."

24 6. Section 4300.1 of the Code provides that the expiration, cancellation, forfeiture, or  
25 suspension of a license, or the placement of a license on retired status, or the voluntary surrender  
26 of a license, shall not deprive the Board of jurisdiction to commence or proceed with a  
27 disciplinary action or to render a decision suspending or revoking a license.

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1 suspending the imposition of sentence, irrespective of a subsequent order under Section 1203.4 of  
2 the Penal Code allowing the person to withdraw his or her plea of guilty and to enter a plea of not  
3 guilty, or setting aside the verdict of guilty, or dismissing the accusation, information, or  
4 indictment.

5 . . . ."

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

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

13 9. Section 490, subdivision (a), of the Code states:

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

18 **COSTS**

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

23 **DRUGS**

24 11. Benzodiazepines are psychoactive drugs with anxiolytic, sedative, and muscle-  
25 relaxing properties, are controlled substances pursuant to Code section 4021 and Health and  
26 Safety Code section 11057(d), and are dangerous drugs pursuant to Code section 4022.

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1 **FIRST CAUSE FOR DISCIPLINE**

2 **(Substantially-Related Conviction)**

3 12. Respondent is subject to disciplinary action under Code sections 490, subdivision (a),  
4 and 4301, subdivision (l), in that Respondent was convicted of an offense substantially related to  
5 the qualifications, functions, or duties of a licensee.

6 13. On or about September 5, 2014, in the Superior Court of California for the County of  
7 Alameda, in the case entitled *The People of the State of California v. Weind, Jamie Christina*,  
8 Case No. 149127, Respondent pled no contest to and was convicted of violating California  
9 Vehicle Code section 23152, subdivision (e) (driving under the influence of a drug), a  
10 misdemeanor, with one prior offense. Respondent's prior conviction, on August 11, 2009, was a  
11 misdemeanor conviction under Vehicle Code section 23152, subdivision (b) (driving with greater  
12 than .08% blood alcohol content).

13 14. The circumstances of the September 5, 2014 conviction were that on or about June  
14 11, 2014, Respondent was driving on I-580 with her 3-year old in the car when she struck another  
15 vehicle from behind. The collision, which occurred at a high rate of speed, caused the other car to  
16 spin out and collide with the jersey wall. Respondent fled the scene. When police stopped  
17 Respondent several miles away, Respondent displayed objective signs of intoxication. A blood  
18 test given to Respondent was positive for benzodiazepines.

19 **SECOND CAUSE FOR DISCIPLINE**

20 **(Second Drug or Alcohol Related Conviction)**

21 15. Respondent is subject to disciplinary action under Code section 4301, subdivision (k),  
22 in that Respondent was convicted of more than one misdemeanor or any felony involving the use,  
23 consumption, or self-administration of alcoholic beverages, a dangerous drug, or a combination  
24 thereof. The circumstances are described above in the First Cause for Discipline.

25 **THIRD CAUSE FOR DISCIPLINE**

26 **(Dangerous Use of Dangerous Drug)**

27 16. Respondent is subject to disciplinary action under Code section 4301, subdivision (h),  
28 in that Respondent used alcohol or a dangerous drug to the extent or in a manner dangerous to

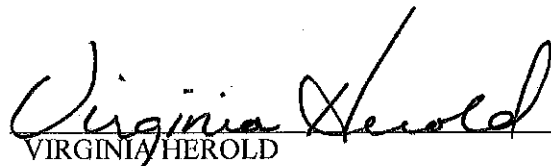
1 herself, to another person, or to the public. The circumstances are described above in the First  
2 Cause for Discipline.

3 **PRAYER**

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

- 6 1. Revoking or suspending Pharmacy Technician Registration Number TCH 96608,  
7 issued to Jamie Christina Weind;
- 8 2. Revoking or suspending Designated Representative Certificate Number EXC 21963,  
9 issued to Jamie Christina Weind;
- 10 3. Ordering Jamie Christina Weind to pay the Board of Pharmacy the reasonable costs of  
11 the investigation and enforcement of this case, pursuant to Business and Professions Code section  
12 125.3;
- 13 4. Taking such other and further action as deemed necessary and proper.

14  
15 DATED: 5/9/15



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

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