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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. 5596

13 **JANCY ALEXIA CRUZ**  
1219 N. Ardmore Ave., #3  
Los Angeles, CA 90029

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

14 Pharmacy Technician Registration  
No. TCH 145532

15 Respondent.

16  
17  
18 Complainant alleges:

19 **PARTIES**

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

22 2. On or about January 14, 2015, the Board issued Pharmacy Technician Registration  
23 No. TCH 145532 to Jancy Alexia Cruz (Respondent). The Pharmacy Technician Registration was  
24 in full force and effect at all times relevant to the charges brought herein and will expire on  
25 November 30, 2016, unless renewed.

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1 **JURISDICTION**

2 3. This Accusation is brought before the Board under the authority of the following laws.  
3 All section references are to the Business and Professions Code unless otherwise indicated.

4 4. Section 4300 provides in pertinent part, that every license issued by the Boards is  
5 subject to discipline, including suspension or revocation.

6 5. Section 4300.1 states:

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

12 **STATUTORY PROVISIONS**

13 6. Section 490 provides, in pertinent part, that a board may suspend or revoke a license  
14 on the ground that the licensee has been convicted of a crime substantially related to the  
15 qualifications, functions, or duties of the business or profession for which the license was issued.

16 7. Section 4301 states, in pertinent part:

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

20 . . . .

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

24 "(g) Knowingly making or signing any certificate or other document that falsely represents  
25 the existence or nonexistence of a state of facts.

26 . . . .

27 "(l) The conviction of a crime substantially related to the qualifications, functions, and  
28 duties of a licensee under this chapter. The record of conviction of a violation of Chapter 13

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

#### 16 **REGULATORY PROVISIONS**

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

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

#### 24 **COST RECOVERY**

25 9. Section 125.3 provides, in pertinent part, that the Board may request the  
26 administrative law judge to direct a licentiate found to have committed a violation or violations of  
27 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
28 enforcement of the case, with failure of the licentiate to comply subjecting the license to not being

1 renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be  
2 included in a stipulated settlement.

3 **FIRST CAUSE FOR DISCIPLINE**

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

5 10. Respondent is subject to disciplinary action under sections 4301, subdivision (l) and  
6 490, in conjunction with California Code of Regulations, title 16, section 1770, in that Respondent  
7 was convicted of a crime substantially related to the qualifications, functions or duties of a  
8 pharmacy technician as follows:

9 a. On or about April 23, 2015, after pleading guilty, Respondent was convicted of one  
10 felony count of violating Penal Code section 550, subdivision (b)(1) [present false claim for  
11 payment] in the criminal proceeding entitled *The People of the State of California v. Jancy Alexia*  
12 *Cruz* (Super. Ct. L.A. County, 2015, No. PA082837). The Court sentenced Respondent to serve  
13 4 days in jail and placed her on 3 years probation, with terms and conditions.

14 b. The circumstances surrounding the conviction are that in or between 2011 and  
15 November 2013, Respondent conspired to commit insurance fraud by staging automobile accidents  
16 and submitting false claims.

17 **SECOND CAUSE FOR DISCIPLINE**

18 **(Acts Involving Dishonesty, Fraud, or Deceit)**

19 11. Respondent is subject to disciplinary action under section 4301, subdivision (f), on the  
20 grounds of unprofessional conduct, in that Respondent committed acts involving dishonesty, fraud,  
21 deceit, or corruption with the intent to substantially benefit herself, or substantially injure another.  
22 Complainant refers to, and by reference incorporates, the allegations set forth above in paragraph  
23 10, as though set forth fully.

24 **THIRD CAUSE FOR DISCIPLINE**

25 **(Knowingly Making a False Statement of Fact)**

26 12. Respondent is subject to disciplinary action under section 4301, subdivision (g), on the  
27 grounds of unprofessional conduct, in that Respondent knowingly made a false statement of fact  
28 when she submitted a claim to her insurance company for accidents that had been staged.

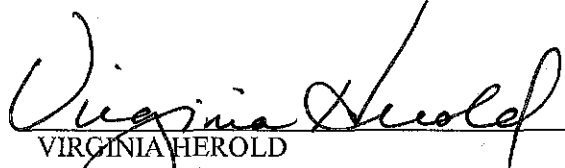
1 Complainant refers to, and by reference incorporates, the allegations set forth above in paragraph  
2 10, as though set forth fully.

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 No. TCH 145532, issued  
7 to Jancy Alexia Cruz;
- 8 2. Ordering Jancy Alexia Cruz to pay the Board of Pharmacy the reasonable costs of the  
9 investigation and enforcement of this case, pursuant to section 125.3; and
- 10 3. Taking such other and further action as deemed necessary and proper.

11  
12  
13 DATED: 10/20/15



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

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