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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. 5699

13 **ELIZABETH HELEN GIL**  
500 S. Broadway  
Los Angeles, CA 90013

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

14 Pharmacy Technician Registration No. TCH  
76948

15 Respondent.

16  
17 Complainant alleges:

18 **PARTIES**

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

21 2. On or about July 30, 2007, the Board of Pharmacy issued Pharmacy Technician  
22 Registration Number TCH 76948 to Elizabeth Helen Gil (Respondent). The Pharmacy  
23 Technician Registration was in full force and effect at all times relevant to the charges brought  
24 herein and will expire on December 31, 2016, unless renewed.

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 unless otherwise indicated.

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** of the Code provides that every license issued by the Board may be suspended or revoked.

## STATUTORY AND REGULATORY PROVISIONS

6. 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:

• • •

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

• • •

(l) The conviction of a crime substantially related to the qualifications, functions, and duties of a licensee under this chapter. The record of conviction of a violation of Chapter 13 (commencing with Section 801) of Title 21 of the United States Code regulating controlled substances or of a violation of the statutes of this state regulating controlled substances or dangerous drugs shall be conclusive evidence of unprofessional conduct. In all other cases, the record of conviction shall be conclusive evidence only of the fact that the conviction occurred. The board may inquire into the circumstances surrounding the commission of the crime, in order to fix the degree of discipline or, in the case of a conviction not involving controlled substances or dangerous drugs, to determine if the conviction is of an offense substantially related to the qualifications, functions, and duties of a licensee under this chapter. A plea or verdict of guilty or a conviction following a plea of nolo contendere is deemed to be a conviction within the meaning of this provision. The board may take action when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under Section 1203.4 of

1 the Penal Code allowing the person to withdraw his or her plea of guilty and to enter a plea of not  
2 guilty, or setting aside the verdict of guilty, or dismissing the accusation, information, or  
3 indictment.

4 . . .

5 **COST RECOVERY**

6 7. Section **125.3** of the Code provides, in pertinent part, that a Board may request the  
7 administrative law judge to direct a licensee found to have committed a violation or violations of  
8 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
9 enforcement of the case.

10 **FIRST CAUSE FOR DISCIPLINE**

11 (Criminal Conviction)

12 8. Respondent is subject to disciplinary action under Code section 4301, subsection (l),  
13 in that she has been convicted of crimes substantially related to the qualifications, functions, and  
14 duties of a licensee. The circumstances are as follows:

15 9. On or about October 27, 2015, in Los Angeles Superior Court case number  
16 TA137573, Respondent was convicted of having violated California Penal Code section 273a(a)  
17 (infliction of harm on a child), a felony.

18 a. The conviction is based on an incident which occurred on or about June 1, 2015,  
19 during which Respondent whipped a 9-year old child with a belt between 15 and 20 times until  
20 the child confessed about taking six dollars to buy ice cream. The Respondent also punched the  
21 child multiple times in the upper back with a closed fist. The abuse resulted in noticeable injury.

22 **SECOND CAUSE FOR DISCIPLINE**

23 (Acts of Moral Turpitude)

24 10. Respondent is subject to disciplinary action under Code section 4301, subsection (f),  
25 in that she has committed acts of moral turpitude, as set forth above in paragraph 9.

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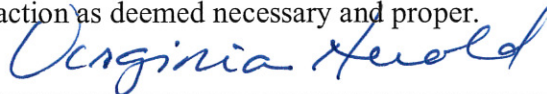
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**PRAYER**

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

1. Revoking or suspending Pharmacy Technician Registration Number TCH 76948, issued to Elizabeth Helen Gil;
2. Ordering Elizabeth Helen Gil to pay the Board of Pharmacy the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;
3. Taking such other and further action as deemed necessary and proper.

DATED: 6/10/16



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

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