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8	BEFORE THE		
9	BOARD OF PHARMACY DEPARTMENT OF CONSUMER AFFAIRS		
10	STATE OF CALIFORNIA		
11	In the Matter of the Accusation Against:	Case No. 5855	
12	CHABELLI ALEJANDRA OLACHEA	ACCUSATION	
13	15675 Paine St.		
14	Fontana, CA 92336		
15	Pharmacy Technician Registration No. TCH 142431		
16	NO. ICH 142451		
17	Respondent		
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 September 10, 2014, the Board of Pharmacy issued Pharmacy		
23	Technician Registration No. TCH 142431 to Chabelli Alejandra Olachea (Respondent). The		
24	Pharmacy Technician Registration was in full f	Force and effect at all times relevant to the charges	
25	brought herein, expired on July 31, 2016, and h	has not been renewed.	
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1	STATUTORY PROVISIONS		
2	3. Section 4300 provides, in pertinent part, that every license issued by the Board is		
3	subject to discipline, including suspension or revocation.		
4	4. Section 4300.1 states:		
5	"The expiration, cancellation, forfeiture, or suspension of a board-issued license by operation of		
6	law or by order or decision of the board or a court of law, the placement of a license on a retired		
7	status, or the voluntary surrender of a license by a licensee shall not deprive the board of jurisdiction		
8	to commence or proceed with any investigation of, or action or disciplinary proceeding against, the		
9	licensee or to render a decision suspending or revoking the license."		
10	5. Section 4301 states, in pertinent part:		
11	"The board shall take action against any holder of a license who is guilty of unprofessional		
12	conduct or whose license has been procured by fraud or misrepresentation or issued by mistake.		
13	Unprofessional conduct shall include, but is not limited to, any of the following:		
14	••••		
15	"(f) The commission of any act involving moral turpitude, dishonesty, fraud, deceit, or		
16	corruption, whether the act is committed in the course of relations as a licensee or otherwise, and		
17	whether the act is a felony or misdemeanor or not.		
18			
19	"(o) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the		
20	violation of or conspiring to violate any provision or term of this chapter or of the applicable		
21	federal and state laws and regulations governing pharmacy, including regulations established by		
22	the board or by any other state or federal regulatory agency."		
23	COST RECOVERY		
24	6. Section 125.3 states, in pertinent part, that the Board may request the administrative		
25	law judge to direct a licentiate found to have committed a violation or violations of the licensing		
26	act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the		
27	case.		
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1	FIRST CAUSE FOR DISCIPLINE	
2	(Acts Involving Dishonesty, Fraud, or Deceit)	
3	7. Respondent is subject to disciplinary action under section 4301, subdivision (f), in	
4	that Respondent committed acts involving dishonesty, fraud, or deceit. Specifically, on January 7,	
5	2016, during an investigation at a Wal-Mart store regarding an employee who was detained for	
6	embezzlement, Respondent, a pharmacy technician employed at a Wal-Mart was observed by a	
7	Loss Prevention Agent (LPA) on surveillance video of December 30, 2015, passing merchandise	
8	items through her check stand without scanning them. Respondent was also observed scanning	
9	certain merchandise items and voiding the transactions or doing a private over-ride. LPA	
10	reviewed additional video surveillance footage from the entire month of December and	
11	discovered several other fraudulent transactions. On one specific occasion, Respondent charged a	
12	random customer for a drink for herself on their credit card without the customer knowing. When	
13	confronted by LPA, Respondent showed no emotion, but said she was sorry. Respondent	
14	admitted to all the thefts including several others. Respondent estimated that she passed	
15	approximately \$3,000 worth of merchandise to her friends and family since her employment in	
16	April, 2015.	
17	SECOND CAUSE FOR DISCIPLINE	
18	(Violating Provisions of the Pharmacy Act)	
19	8. Respondent is subject to disciplinary action under section 4301, subdivision (o), in	
20	that Respondent violated provisions of the Pharmacy Act. Complainant refers to, and by this	
21	reference incorporates, the allegations set forth above in paragraph 7, as though set forth fully.	
22	<u>PRAYER</u>	
23	WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,	
24	and that following the hearing, the Board of Pharmacy issue a decision:	
25	1. Revoking or suspending Pharmacy Technician Registration No. TCH 142431, issued	
26	to Chabelli Alejandra Olachea;	
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2. Ordering Chabelli Alejandra Olachea 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; and 3. Taking such other and further action as deemed necessary and proper. 9/14/16 DATED: VIRGINIA HEROLD **Executive Officer** Board of Pharmacy Department of Consumer Affairs State of California Complainant LA2016601932 52224793.doc Jz(9/12/16) In the Matter of the Accusation Against Chabelli Alejandra Olachea