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

11 In the Matter of the Accusation Against:  
12 **KIMBERLIN SUZANNE SHAVER**  
13 **13826 Whitehven St.**  
**Hesperia, CA 92345**  
14 **Pharmacy Technician License No. TCH**  
15 **86115**  
16 Respondent.

Case No. 5877

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

17 Complainant alleges:

18 **PARTIES**

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

21 2. On or about September 2, 2008, the Board of Pharmacy issued Pharmacy Technician  
22 License Number TCH 86115 to Kimberlin Suzanne Shaver (Respondent). The Pharmacy  
23 Technician License was in full force and effect at all times relevant to the charges brought herein  
24 and will expire on September 30, 2018, 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.

1           4.     California Code of Regulations, title 16, section 1770, states:

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

8           5.     Section 22 of the Code states:

9           "(a) 'Board' as used in any provisions of this Code, refers to the board in which the  
10 administration of the provision is vested, and unless otherwise expressly provided, shall include  
11 'bureau,' 'commission,' 'committee,' 'department,' 'division,' 'examining committee,' 'program,' and  
12 'agency.'

13           "(b) Whenever the regulatory program of a board that is subject to review by the Joint  
14 Committee on Boards, Commissions, and Consumer Protection, as provided for in Division 1.2  
15 (commencing with Section 473), is taken over by the department, that program shall be designated  
16 as a 'bureau.'"

17           6.     Section 118, subdivision (b), of the Code provides that the  
18 suspension/expiration/surrender/cancellation of a license shall not deprive the  
19 Board/Registrar/Director of jurisdiction to proceed with a disciplinary action during the period  
20 within which the license may be renewed, restored, reissued or reinstated.

21           7.     Section 4300 of the Code states:

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

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

26           "(1) Suspending judgment.

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

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



1 11. On or about February 5, 2016, while working as a teacher's aide at the Bright Futures  
2 Academy and escorting a group of students on a bus, Respondent engaged in lewd and lascivious  
3 physical contact of a sexual nature with a fifteen year old male student.

4 SECOND CAUSE FOR DISCIPLINE

5 (Unprofessional Conduct: Moral Turpitude—Improper Sexual Contact with Minor)

6 12. Respondent is subject to disciplinary action under sections 4300 and 4301, subd. (f) in  
7 that she has committed acts of moral turpitude. The circumstances are as follows:

8 13. On or about February 5, 2016, while working as a teacher's aide at the Bright Futures  
9 Academy and escorting a group of students on a bus, Respondent engaged in lewd and lascivious  
10 physical contact of a sexual nature with a fifteen year old male student.

11 PRAYER

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

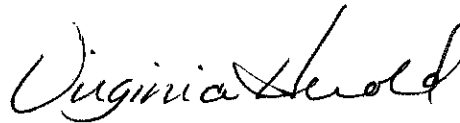
14 1. Revoking or suspending Pharmacy Technician License Number TCH 86115, issued to  
15 Kimberlin Suzanne Shaver

16 2. Ordering Kimberlin Suzanne Shaver to pay the Board of Pharmacy the reasonable  
17 costs of the investigation and enforcement of this case, pursuant to Business and Professions Code  
18 section 125.3; and,

19 3. Taking such other and further action as deemed necessary and proper.  
20

21  
22 DATED: \_\_\_\_\_

11/14/16



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

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