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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. 6129

13 **JULIE LEANNE PAGLIERO**  
1968 Diamond Way  
Fairfield, CA 94533  
14 **Pharmacy Technician License No. TCH**  
15 **153820**

**ACCUSATION**

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 April 8, 2016, the Board of Pharmacy issued Pharmacy Technician  
23 License Number TCH 153820 to Julie Leanne Pagliero (Respondent). Respondent's Pharmacy  
24 Technician License was in full force and effect at all times relevant to the charges brought herein  
25 and will expire on February 28, 2018, unless renewed.

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JURISDICTION

3. This Accusation is brought before the Board of Pharmacy (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code (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(a) of the Code provides that every license issued by the Board may be suspended or revoked.

6. Section 4300.1 of the Code states:

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

STATUTORY PROVISIONS

7. Section 4301 of the Code states:

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

.....

(j) The violation of any of the statutes of this state, of any other state, or of the United States regulating controlled substances and dangerous drugs.

.....

(o) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of or conspiring to violate any provision or term of this chapter or of the applicable federal and state laws and regulations governing pharmacy, including regulations established by the board or any other state or federal regulatory agency.

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1 (c) Any other drug or device that by federal or state law can be lawfully dispensed only  
2 on prescription or furnished pursuant to Section 4006.”

3 ...

4 15. **Alprazolam** is a dangerous drug as designated by Business and Professions Code  
5 section 4022. Alprazolam is commonly known by its brand name Xanax, and is a Schedule IV  
6 controlled substance as designated by Health and Safety Code section 11057(d)(1). It is a  
7 depressant drug.

8 COSTS

9 16. Section 125.3 of the Code provides, in pertinent part, that the Board may request the  
10 administrative law judge to direct a licentiate found to have committed a violation or violations of  
11 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
12 enforcement of the case, with failure of the licentiate to comply subjecting the license to not being  
13 renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be  
14 included in a stipulated settlement.

15 FACTUAL SUMMARY

16 17. According to Respondent’s April 4, 2017, letter to the Board, she has been employed  
17 at the pharmacy at Raley’s in Benicia, California, since July 2016. Respondent is employed as a  
18 pharmacy technician.

19 18. On or about October 12, 2016, the Vacaville Police Department executed a search  
20 warrant at Respondent’s home pursuant to an investigation into a home-invasion robbery.  
21 Respondent’s nephew, who was staying at the home with Respondent, was a suspect in the home-  
22 invasion robbery. Before executing the search warrant, officers observed Respondent exit the  
23 residence and place something inside her vehicle. The officers then served the warrant, and  
24 searched the residence and Respondent’s vehicle. Officers found an unmarked pill bottle  
25 containing 50 tablets of Alprazolam, a controlled substance, in Respondent’s vehicle.

26 19. Respondent was subsequently charged with sale or possession for sale of Alprazolam  
27 in a criminal proceeding entitled *People of the State of California v. Julie Leanne Pagliero*, in  
28 Solano County Superior Court, case no. FCR325934, in a misdemeanor complaint filed in that

1 court on November 23, 2016. Respondent appeared on July 5, 2017, and was admitted to a  
2 deferred entry of judgment program under certain conditions after pleading guilty to a violation of  
3 Health and Safety Code section 11375, subdivision (b).

4 FIRST CAUSE FOR DISCIPLINE

5 **(Possession of Controlled Substance)**

6 20. Respondent has subjected her license to discipline under section 4301, subdivisions  
7 (j) and/or (o), of the Code, and/or Health and Safety Code sections 11350 and 11375, in that  
8 Respondent, as described in paragraphs 17 through 19, possessed Alprazolam without a  
9 prescription.

10 SECOND CAUSE FOR DISCIPLINE

11 **(Unprofessional Conduct)**

12 21. Respondent has subjected her license to discipline under section 4301, subdivisions  
13 (j) and/or (o) of the Code in that Respondent, as described in paragraphs 17 through 19, engaged  
14 in unprofessional conduct.

15 PRAYER

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

18 1. Revoking or suspending Pharmacy Technician License Number TCH 153820, issued  
19 to Julie Leanne Pagliero;

20 2. Ordering Julie Leanne Pagliero to pay the Board of Pharmacy the reasonable costs of  
21 the investigation and enforcement of this case, pursuant to Business and Professions Code section  
22 125.3;

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

DATED: 9/11/17

*Virginia Herold*

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

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