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BOARD OF PHARMACY

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6 Attorneys for Complainant

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

11 In the Matter of the Accusation Against:

Case No. 2597

12 MICHELLE VILLA  
AKA MICHELLE GARIBAY  
13 425 West Monterey Road  
Corona, CA 92882

OAH No. L-2003100162

**STIPULATED SURRENDER OF  
LICENSE AND ORDER**

14 Pharmacy Technician Registration  
15 No. TCH 10790

16 Respondent.  
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18  
19 IT IS HEREBY STIPULATED AND AGREED by and between the parties in this  
20 proceeding that the following matters are true:

21 PARTIES

22 1. Patricia F. Harris (Complainant) is the Executive Officer of the Board of  
23 Pharmacy. She brought this action solely in her official capacity and is represented in this matter  
24 by Bill Lockyer, Attorney General of the State of California, by Christina M. Thomas, Deputy  
25 Attorney General.

26 2. Michelle Villa aka Michelle Garibay (Respondent) is representing herself  
27 in this proceeding and has chosen not to exercise her right to be represented by counsel.

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1 further process.

2 RESERVATION

3 10. The admissions made by Respondent herein are only for the purposes of  
4 this proceeding, or any other proceedings in which the Board of Pharmacy or other professional  
5 licensing agency is involved, and shall not be admissible in any other criminal or civil  
6 proceeding.

7 CONTINGENCY

8 11. This stipulation shall be subject to approval by the Board of Pharmacy.  
9 Respondent understands and agrees that counsel for Complainant and the staff of the Board of  
10 Pharmacy may communicate directly with the Board regarding this stipulation and settlement,  
11 without notice to or participation by Respondent. By signing the stipulation, Respondent  
12 understands and agrees that she may not withdraw her agreement or seek to rescind the  
13 stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this  
14 stipulation as its Decision and Order, the Stipulated Surrender and Disciplinary Order shall be of  
15 no force or effect, except for this paragraph, it shall be inadmissible in any legal action between  
16 the parties, and the Board shall not be disqualified from further action by having considered this  
17 matter.

18 12. The parties understand and agree that facsimile copies of this Stipulated  
19 Surrender of License and Order, including facsimile signatures thereto, shall have the same force  
20 and effect as the originals.

21 13. In consideration of the foregoing admissions and stipulations, the parties  
22 agree that the (Board) may, without further notice or formal proceeding, issue and enter the  
23 following Order:

24 ORDER

25 IT IS HEREBY ORDERED that Pharmacy Technician Registration No. TCH  
26 10790, issued to Respondent Michelle Villa aka Michelle Garibay is surrendered and accepted by  
27 the Board of Pharmacy.

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1 14. The surrender of Respondent's Pharmacy Technician Registration and the  
2 acceptance of the surrendered license by the Board shall constitute the imposition of discipline  
3 against Respondent. This stipulation constitutes a record of the discipline and shall become a  
4 part of Respondent's license history with the Board.

5 15. Respondent shall lose all rights and privileges as a Pharmacy Technician  
6 in California as of the effective date of the Board's Decision and Order.

7 16. Respondent shall cause to be delivered to the Board both her Registration,  
8 wall and pocket license certificate on or before the effective date of the Decision and Order.

9 17. Respondent understands and agrees that if she ever applies for licensure or  
10 petitions for reinstatement in the State of California, the Board shall treat it as a new application  
11 for licensure. Respondent must comply with all the laws, regulations and procedures for  
12 licensure in effect at the time the application or petition is filed, and all of the charges and  
13 allegations contained in Accusation No. 2597 shall be deemed to be true, correct, and admitted  
14 by Respondent when the Board determines whether to grant or deny the application or petition.

15 18. Respondent shall pay the Board its costs of investigation and enforcement  
16 in the amount of \$10,000.00 prior to issuance of a new or reinstated license.

17  
18 ACCEPTANCE

19 I have carefully read the Stipulated Surrender of License and Order. I understand  
20 the stipulation and the effect it will have on my Pharmacy Technician Registration. I enter into  
21 this Stipulated Surrender of License and Order voluntarily, knowingly, and intelligently, and  
22 agree to be bound by the Decision and Order of the Board of Pharmacy.

23 DATED: 9-20-04.

24  
25 Michelle Villa  
26 MICHELLE VILLA AKA MICHELLE GARIBAY  
Respondent

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ENDORSEMENT

The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted for consideration by the Board of Pharmacy of the Department of Consumer Affairs.

DATED: 10/21/09

BILL LOCKYER, Attorney General  
of the State of California



CHRISTINA M. THOMAS  
Deputy Attorney General

Attorneys for Complainant

DOJ Docket Number/Matter ID: 03583110-LA2002AD2593  
PR (07/08/2004)  
60047790.wpd

**BEFORE THE  
BOARD OF PHARMACY  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

MICHELLE VILLA  
AKA MICHELLE GARIBAY  
425 West Monterey Road  
Corona, CA 92882

Pharmacy Technician Registration  
No. TCH 10790

Respondent.

Case No. 2597

OAH No. L-2003100162

**DECISION AND ORDER**


The attached Stipulated Surrender of License and Order is hereby adopted by the Board of Pharmacy, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on January 5, 2005.

It is so ORDERED December 6, 2004.

BOARD OF PHARMACY  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

By

  
\_\_\_\_\_  
STANLEY W. GOLDENBERG  
Board President

**Exhibit A**

**Accusation No. 2597**

1 BILL LOCKYER, Attorney General  
of the State of California  
2 CHRISTINA M. THOMAS, State Bar No. 171168  
Deputy Attorney General  
3 California Department of Justice  
300 So. Spring Street, Suite 1702  
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Case No. 2597

11 MICHELLE VILLA  
12 aka MICHELLE GARIBAY  
13 425 West Monterey Road  
Corona, CA 92882

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

14 Pharmacy Technician Registration No. TCH 10790

15 Respondent.

16  
17 Complainant alleges:

18 PARTIES

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

22 2. On or about November 26, 1993, the Board of Pharmacy issued Pharmacy  
23 Technician Registration No. TCH 10790 to Michelle Villa aka Michelle Garibay (Respondent).  
24 The Pharmacy Technician Registration expired on June 30, 2003, and has not been renewed.

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

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

18           7.       Section 490 states:

19           "A board may suspend or revoke a license on the ground that the licensee has been  
20 convicted of a crime, if the crime is substantially related to the qualifications, functions, or duties  
21 of the business or profession for which the license was issued. A conviction within the meaning  
22 of this section means a plea or verdict of guilty or a conviction following a plea of nolo  
23 contendere. Any action which a board is permitted to take following the establishment of a  
24 conviction may be taken when the time for appeal has elapsed, or the judgment of conviction has  
25 been affirmed on appeal, or when an order granting probation is made suspending the imposition  
26 of sentence, irrespective of a subsequent order under the provisions of Section 1203.4 of the  
27 Penal Code."

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

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

9. Section 4060 of the Code states:

"No person shall possess any controlled substance, except that furnished to a person upon the prescription of a physician, dentist, podiatrist, or veterinarian, or furnished pursuant to a drug order issued by a certified nurse-midwife pursuant to Section 2746.51, a nurse practitioner pursuant to Section 2836.1, or a physician assistant pursuant to Section 3502.1. This section shall not apply to the possession of any controlled substance by a manufacturer, wholesaler, pharmacy, physician, podiatrist, dentist, veterinarian, certified nurse-midwife, nurse practitioner, or physician assistant, when in stock in containers correctly labeled with the name and address of the supplier or producer."

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

11. DANGEROUS DRUGS/CONTROLLED SUBSTANCES

a. "Methamphetamine" is a Schedule II controlled substance as defined in Health and Safety Code section 11055(d)(2) and is categorized as a dangerous drug pursuant to section 4022 of the Code.

b. "Valium," a trade name for the chemical substance diazepam, a benzodiazepam derivative, is a Schedule IV controlled substance as designated by Health and Safety Code section 11057(d)(8) and is categorized as a dangerous drug pursuant to section 4022 of the Code.

1 c. "Vicodin" is a Schedule III controlled substance as defined in Health and  
2 Safety Code section 11056(b)(1) and is categorized as a dangerous drugs according to section  
3 4022 of the Code.

4 d. "Xanax," a brand name for alprazolam, is an anti-anxiety benzodiazepin  
5 and is a Schedule IV controlled substance as designated by Health and Safety Code section  
6 11057(d)(1) and is categorized as a dangerous drug pursuant to section 4022(c) of the Code.  
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8 FIRST CAUSE FOR DISCIPLINE

9 (Conviction of a Substantially Related Crime)

10 12. Respondent is subject to disciplinary action under sections 4300, 4301(f),  
11 and (l), and 490 of the Code, as defined in Title 16, California Code of Regulations, section  
12 1770, on the grounds that Respondent was convicted of a substantially related crime. The  
13 circumstances are as follows:

14 a. On or about January 15, 2003, Respondent was convicted by the Court on  
15 a plea of guilty, of one count of violating Penal Code section 487(a) (grand theft, property over  
16 \$400), a felony, in the Los Angeles County Superior Court, Case NO. KA059225, entitled *The*  
17 *People of the State of California v. Michelle Rene Garibay*.

18 b. The circumstances surrounding the conviction are that on or about  
19 November 6, 2002, Respondent was arrested for stealing bottles of prescription medications  
20 (vicodin and xanax, controlled substances) from her employer, CBC Pharmacy and Bill Chung.  
21 Respondent admitted to the arresting officer that she had been stealing medications for "not [a]  
22 long" period of time from CBC Pharmacy and Bill Chung.

23 c. Further, on or about November 6, 2002, after Respondent's admission,  
24 Respondent's residence was searched and additional dangerous drugs and controlled substances,  
25 without prescriptions, were found; namely, methamphetamine and valium.

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