

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

In the Matter of the Accusation Against:

Case No. 3389

**TETYANA KOMIRENKO**

10249 #2 Oasis Court  
Cupertino, CA 95014

Pharmacy Technician Registration No. TCH  
65494

Respondent.

**DECISION AND ORDER**

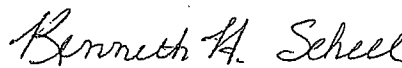
The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Board of Pharmacy, Department of Consumer Affairs, as its Decision in this matter.

This decision shall become effective on May 26, 2010.

It is so ORDERED on April 26, 2010.

BOARD OF PHARMACY  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

By



\_\_\_\_\_  
KENNETH H. SCHELL  
Board President

1 EDMUND G. BROWN JR.  
Attorney General of California  
2 FRANK H. PACOE  
Supervising Deputy Attorney General  
3 JOSHUA A. ROOM  
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*Attorneys for Complainant*

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**BOARD OF PHARMACY**  
9 **DEPARTMENT OF CONSUMER AFFAIRS**  
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10 In the Matter of the Accusation Against:

Case No. 3389

11 **TETYANA V. KOMIRENKO**  
12 **10249 # 2 Oasis Court**  
13 **Cupertino, CA 95014**

**STIPULATED SETTLEMENT AND**  
**DISCIPLINARY ORDER**

14 **Pharmacy Technician License No. TCH 65494**

15 Respondent.

16  
17 In the interest of a prompt and speedy settlement of this matter, consistent with the public  
18 interest and the responsibility of the Board of Pharmacy of the Department of Consumer Affairs,  
19 the parties hereby agree to the following Stipulated Settlement and Disciplinary Order which will  
20 be submitted to the Board for approval and adoption as the final disposition of the Accusation.

21  
22 PARTIES

23 1. Virginia Herold (Complainant), Executive Officer of the Board of Pharmacy, brought  
24 this action solely in her official capacity and is represented in this matter by Edmund G. Brown  
25 Jr., Attorney General of the State of California, by Joshua A. Room, Deputy Attorney General.

26 2. Respondent Tetyana V. Komirenko (Respondent) is representing herself in this  
27 proceeding and has chosen not to exercise her right to be represented by counsel.

28 ///





1 DISCIPLINARY ORDER

2 IT IS HEREBY ORDERED that Pharmacy Technician License No. TCH 65494, issued to  
3 Respondent Tetyana V. Komirenko (Respondent), is revoked. However, the revocation is stayed  
4 and Respondent is placed on probation for three (3) years on the following terms and conditions.

5 1. **Certification Prior to Resuming Work**

6 Respondent shall be automatically suspended from working as a pharmacy technician until  
7 she is certified as defined by Business and Professions Code section 4202(a)(4) and provides  
8 satisfactory proof of certification to the board. Respondent shall not resume working as a  
9 pharmacy technician until notified by the board. Failure to achieve certification within one (1)  
10 year shall be considered a violation of probation. Respondent shall not resume working as a  
11 pharmacy technician until notified by the board.

12 During suspension, respondent shall not enter any pharmacy area or any portion of any  
13 other board licensed premises (wholesaler, veterinary food-animal drug retailer or any other  
14 distributor of drugs) any drug manufacturer, or any other location where dangerous drugs and  
15 devices or controlled substances are maintained. Respondent shall not do any act involving drug  
16 selection, selection of stock, manufacturing, compounding or dispensing; nor shall respondent  
17 manage, administer, or assist any licensee of the board. Respondent shall not have access to or  
18 control the ordering, manufacturing or dispensing of dangerous drugs and devices or controlled  
19 substances. Respondent shall not resume work until notified by the board.

20 Subject to the above restrictions, respondent may continue to own or hold an interest in any  
21 licensed premises by the board in which she holds an interest at the time this decision becomes  
22 effective unless otherwise specified in this order.

23 Failure to comply with this suspension shall be considered a violation of probation.

24 2. **Obey All Laws**

25 Respondent shall obey all state and federal laws and regulations.

26 Respondent shall report any of the following occurrences to the board, in writing, within  
27 seventy-two (72) hours of such occurrence:

28 ///

- 1            an arrest or issuance of a criminal complaint for violation of any provision of the  
2           Pharmacy Law, state and federal food and drug laws, or state and federal controlled  
3           substances laws
- 4            a plea of guilty or nolo contendere in any state or federal criminal proceeding to any  
5           criminal complaint, information or indictment
- 6            a conviction of any crime
- 7            discipline, citation, or other administrative action filed by any state or federal agency  
8           which involves respondent's pharmacy technician license or which is related to the  
9           practice of pharmacy or the manufacturing, obtaining, handling, distributing, billing,  
10          or charging for any drug, device or controlled substance.

11          Failure to timely report any such occurrence shall be considered a violation of probation.

12          **3. Report to the Board**

13          Respondent shall report to the board quarterly, on a schedule as directed by the board or its  
14          designee. The report shall be made either in person or in writing, as directed. Among other  
15          requirements, respondent shall state in each report under penalty of perjury whether there has  
16          been compliance with all the terms and conditions of probation. Failure to submit timely reports  
17          in a form as directed shall be considered a violation of probation. Any period(s) of delinquency  
18          in submission of reports as directed may be added to the total period of probation. Moreover, if  
19          the final probation report is not made as directed, probation shall be automatically extended until  
20          such time as the final report is made and accepted by the board.

21          **4. Interview with the Board**

22          Upon receipt of reasonable prior notice, respondent shall appear in person for interviews  
23          with the board or its designee, at such intervals and locations as are determined by the board or its  
24          designee. Failure to appear for any scheduled interview without prior notification to board staff,  
25          or failure to appear at two (2) or more scheduled interviews with the board or its designee during  
26          the period of probation, shall be considered a violation of probation.

27          **5. Cooperate with Board Staff**

28          Respondent shall cooperate with the board's inspection program and with the board's  
            monitoring and investigation of respondent's compliance with the terms and conditions of her  
            probation. Failure to cooperate shall be considered a violation of probation.

1           6.    **Notice to Employers**

2           During the period of probation, respondent shall notify all present and prospective  
3 employers of the decision in case number 3389 and the terms, conditions and restrictions imposed  
4 on respondent by the decision, as follows:

5           Within thirty (30) days of the effective date of this decision, and within fifteen (15) days of  
6 respondent undertaking any new employment, respondent shall cause her direct supervisor,  
7 pharmacist-in-charge (including each new pharmacist-in-charge employed during respondent's  
8 tenure of employment) and owner to report to the board in writing acknowledging that the listed  
9 individual(s) has/have read the decision in case number 3389 and the terms and conditions  
10 imposed thereby. It shall be respondent's responsibility to ensure that her employer(s) and/or  
11 supervisor(s) submit timely acknowledgement(s) to the board.

12           If respondent works for or is employed by or through a pharmacy employment service,  
13 respondent must notify her direct supervisor, pharmacist-in-charge and owner at every pharmacy  
14 of the terms and conditions of the decision in case number 3389 in advance of the respondent  
15 commencing work at each pharmacy. A record of this notification must be provided to the board  
16 upon request.

17           Furthermore, within thirty (30) days of the effective date of this decision, and within fifteen  
18 (15) days of respondent undertaking any new employment by or through a pharmacy employment  
19 service, respondent shall cause her direct supervisor with the pharmacy employment service to  
20 report to the board in writing acknowledging that she has read the decision in case number 3389  
21 and the terms and conditions imposed thereby. It shall be respondent's responsibility to ensure  
22 that her employer(s) and/or supervisor(s) submit timely acknowledgment(s) to the board.

23           Failure to timely notify present or prospective employer(s) or to cause such employer(s) to  
24 submit timely acknowledgements to the board shall be considered a violation of probation.

25           "Employment" within the meaning of this provision shall include any full-time,  
26 part-time, temporary or relief service or pharmacy management service as a pharmacy  
27 technician or in any position for which a pharmacy technician license is a requirement  
28 or criterion for employment, whether the respondent is considered an employee,  
independent contractor or volunteer.

1           7.    **Notification of Departure**

2           Prior to leaving the probationary geographic area designated by the board or its designee for  
3 a period greater than twenty-four (24) hours, respondent shall notify the board verbally and in  
4 writing of the dates of departure and return. Failure to comply with this provision shall be  
5 considered a violation of probation.

6           8.    **Notification of Change in Name, Address(es), or Employment**

7           Respondent shall notify the board in writing within ten (10) days of any change of  
8 employment. Said notification shall include the reasons for leaving, the address of the new  
9 employer, the name of the supervisor and owner, and the work schedule if known. Respondent  
10 shall further notify the board in writing within ten (10) days of a change in name, residence  
11 address, mailing address, or phone number.

12           Failure to timely notify the board of any change in employer(s), name(s), address(es), or  
13 phone number(s) shall be considered a violation of probation.

14           9.    **Status of License**

15           Respondent shall, at all times while on probation, maintain an active, current pharmacy  
16 technician license with the board, including any period during which suspension or probation is  
17 tolled. Failure to maintain an active, current license shall be considered a violation of probation.

18           If respondent's pharmacy technician license expires or is cancelled by operation of law or  
19 otherwise at any time during the period of probation, including any extensions thereof due to  
20 tolling or otherwise, upon renewal or reapplication respondent's license shall be subject to all  
21 terms and conditions of this probation not previously satisfied.

22           10. **Reimbursement of Board Costs**

23           As a condition precedent to successful completion of probation, respondent shall pay to the  
24 board its costs of investigation and prosecution in the amount of \$2,678.00, payable in full within  
25 the first two (2) years of probation in equal quarterly installments of \$334.75. There shall be no  
26 deviation from this schedule absent prior written approval by the board or its designee. Failure to  
27 pay costs by the deadline(s) as directed shall be considered a violation of probation. The filing of  
28 bankruptcy by respondent shall not relieve respondent of her responsibility to pay these costs.



1           **11. Probati Monitoring Costs**

2           Respondent shall pay any costs associated with probation monitoring as determined by the  
3 board each and every year of probation. Such costs shall be payable to the board on a schedule as  
4 directed by the board or its designee. Failure to pay such costs by the deadline(s) as directed shall  
5 be considered a violation of probation.

6           **12. No Ownership of Licensed Premises**

7           Respondent shall not own, have any legal or beneficial interest in, or serve as a manager,  
8 administrator, member, officer, director, trustee, associate, or partner of any business, firm,  
9 partnership, or corporation currently or hereinafter licensed by the board. Respondent shall sell  
10 or transfer any legal or beneficial interest in any entity licensed by the board within ninety (90)  
11 days following the effective date of this decision and shall immediately thereafter provide written  
12 proof thereof to the board. Failure to timely divest any legal or beneficial interest(s) or provide  
13 documentation thereof shall be considered a violation of probation.

14           **13. Work Site Monitor**

15           Within ten (10) days of the effective date of this decision, respondent shall identify a work  
16 site monitor, for prior approval by the board, who shall be responsible for supervising respondent  
17 during working hours. Respondent shall be responsible for ensuring that the work site monitor  
18 reports in writing to the board quarterly. Should the designated work site monitor determine at  
19 any time during the probationary period that respondent has not maintained sobriety, she shall  
20 notify the board immediately, either orally or in writing as directed. Should respondent change  
21 employment, a new work site monitor must be designated, for prior approval by the board, within  
22 ten (10) days of commencing new employment. Failure to identify an acceptable initial or  
23 replacement work site monitor, or to ensure quarterly reports are submitted to the board, shall be  
24 considered a violation of probation.

25           **14. Abstain from Drugs and Alcohol Use**

26           Respondent shall completely abstain from the possession or use of alcohol, controlled  
27 substances, dangerous drugs and their associated paraphernalia except when the drugs are  
28 lawfully prescribed by a licensed practitioner as part of a documented medical treatment.

1           Upon request of the board or its designee, respondent shall provide documentation from the  
2 licensed practitioner that the prescription for the drug was legitimately issued and is a necessary  
3 part of the treatment of the respondent. Failure to timely provide such documentation shall be  
4 considered a violation of probation. Respondent shall ensure that she is not in the same physical  
5 location as individuals who are using illicit substances even if respondent is not personally  
6 ingesting the drugs. Any possession or use of alcohol, controlled substances, or their associated  
7 paraphernalia not supported by the documentation timely provided, and/or any physical proximity  
8 to persons using illicit substances, shall be considered a violation of probation.

9           **15. Random Drug Screening**

10           Respondent, at her own expense, shall participate in random testing, including but not  
11 limited to biological fluid testing (urine, blood), breathalyzer, hair follicle testing, or other drug  
12 screening program as directed by the board or its designee. Respondent may be required to  
13 participate in testing for the entire probation period and the frequency of testing will be  
14 determined by the board or its designee. At all times respondent shall fully cooperate with the  
15 board or its designee, and shall, when directed, submit to such tests and samples for the detection  
16 of alcohol, narcotics, hypnotics, dangerous drugs or other controlled substances as the board or its  
17 designee may direct. Failure to timely submit to testing as directed shall be considered a violation  
18 of probation. Upon request of the board or its designee, respondent shall provide documentation  
19 from a licensed practitioner that the prescription for a detected drug was legitimately issued and is  
20 a necessary part of the treatment of the respondent. Failure to timely provide such documentation  
21 shall be considered a violation of probation. Any confirmed positive test for alcohol or for any  
22 drug not lawfully prescribed by a licensed practitioner as part of a documented medical treatment  
23 shall be considered a violation of probation and shall result in the automatic suspension of work  
24 by respondent. Respondent may not resume work until notified by the board in writing.

25           During any such suspension, respondent shall not enter any pharmacy area or any portion of  
26 or any other board licensed premises (wholesaler, veterinary food-animal drug retailer or any  
27 other distributor of drugs) any drug manufacturer, or any other location where dangerous drugs  
28 and devices or controlled substances are maintained. Respondent shall not do any act involving

1 drug selection, selection of stock, manufacturing, compounding or dispensing; nor shall  
2 respondent manage, administer, or assist any licensee of the board. Respondent shall not have  
3 access to or control the ordering, manufacturing or dispensing of dangerous drugs and devices or  
4 controlled substances. Respondent shall not resume work until notified by the board.

5 During any such suspension, respondent shall not direct, control or perform any aspect of  
6 the practice of pharmacy. Subject to the above restrictions, respondent may continue to own or  
7 hold an interest in any licensed premises in which she holds an interest at the time this decision  
8 becomes effective unless otherwise specified in this order.

9 Failure to comply with this suspension shall be considered a violation of probation.

10 **16. Attend Substance Abuse Recovery Relapse Prevention and Support Groups**

11 Within thirty (30) days of the effective date of this decision, respondent shall begin regular  
12 attendance at a recognized and established substance abuse recovery support group in California,  
13 (e.g., Alcoholics Anonymous, Narcotics Anonymous, etc.) which has been approved by the board  
14 or its designee. Respondent must attend at least one meeting per week unless otherwise directed  
15 by the board or its designee. Respondent shall continue regular attendance and submit signed and  
16 dated documentation confirming attendance with each quarterly report for the period of probation.  
17 Failure to attend or submit documentation thereof shall be considered a violation of probation.

18 **17. License Surrender While on Probation/Suspension**

19 Following the effective date of this decision, should respondent cease work due to  
20 retirement or health, or be otherwise unable to satisfy the terms and conditions of probation,  
21 respondent may tender her pharmacy technician license to the board for surrender. The board or  
22 its designee shall have the discretion whether to grant the request for surrender or take any other  
23 action it deems appropriate and reasonable. Upon formal acceptance of the surrender of the  
24 license, respondent will no longer be subject to the terms and conditions of probation. This  
25 surrender constitutes a record of discipline and shall become a part of the respondent's license  
26 history with the board.

27 Upon acceptance of the surrender, respondent shall relinquish her pharmacy technician  
28 license to the board within ten (10) days of notification by the board that surrender is accepted.

1 Respondent may not reapply for any license, permit, or registration from the board for three (3)  
2 years from the effective date of the surrender. Respondent shall meet all requirements applicable  
3 to the license sought as of the date the application for that license is submitted to the board.

4 **18. Tolling of Probation**

5 Except during periods of suspension, respondent shall, at all times while on probation, be  
6 employed as a pharmacy technician in California for a minimum of forty (40) hours per calendar  
7 month. Any month during which this minimum is not met shall toll the period of probation, i.e.,  
8 the period of probation shall be extended by one month for each month during which this  
9 minimum is not met. During any such period of tolling of probation, respondent must  
10 nonetheless comply with all terms and conditions of probation.

11 Should respondent, regardless of residency, for any reason (including vacation) cease  
12 working as a pharmacy technician for a minimum of forty (40) hours per calendar month in  
13 California, respondent must notify the board in writing within ten (10) days of cessation of work  
14 and must further notify the board in writing within ten (10) days of the resumption of the work.  
15 Any failure to provide such notification(s) shall be considered a violation of probation.

16 It is a violation of probation for respondent's probation to remain tolled pursuant to the  
17 provisions of this condition for a total period, counting consecutive and non-consecutive months,  
18 exceeding thirty-six (36) months.

19 "Cessation of work" means calendar month during which respondent is not  
20 working for at least forty (40) hours as a pharmacy technician, as defined in Business  
21 and Professions Code section 4115. "Resumption of work" means any calendar  
22 month during which respondent is working as a pharmacy technician for at least forty  
(40) hours as a pharmacy technician as defined by Business and Professions Code  
section 4115.

23 **19. Violation of Probation**

24 If a respondent has not complied with any term or condition of probation, the board shall  
25 have continuing jurisdiction over respondent, and probation shall automatically be extended, until  
26 all terms and conditions have been satisfied or the board has taken other action as deemed  
27 appropriate to treat the failure to comply as a violation of probation, to terminate probation, and  
28 to impose the penalty that was stayed.

1 If respondent violates probation in any respect, the board, after giving respondent notice  
2 and an opportunity to be heard, may revoke probation and carry out the disciplinary order that  
3 was stayed. Notice and opportunity to be heard are not required for those provisions stating that a  
4 violation thereof may lead to automatic termination of the stay and/or revocation of the license. If  
5 a petition to revoke probation or an accusation is filed against respondent during probation, the  
6 board shall have continuing jurisdiction, and the period of probation shall be automatically  
7 extended until the petition to revoke probation or accusation is heard and decided.

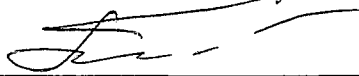
8 **20. Completion of Probation**

9 Upon written notice by the board indicating successful completion of probation,  
10 respondent's pharmacy technician license will be fully restored.

11  
12  
13 ACCEPTANCE

14 I have carefully read the Stipulated Settlement and Disciplinary Order. I understand the  
15 stipulation and the effect it will have on my Pharmacy Technician License. I enter into this  
16 Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree  
17 to be bound by the Decision and Order of the Board of Pharmacy.

18 DATED: 01/19/2010

  
\_\_\_\_\_  
19 TETYANA V. KOMIRENKO  
20 Respondent  
21  
22  
23  
24  
25  
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28

ENDORSEMENT

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

Dated: 2/2/2010

Respectfully Submitted,

EDMUND G. BROWN JR.  
Attorney General of California  
FRANK H. PACOE  
Supervising Deputy Attorney General

  
JOSHUA A. ROOM  
Deputy Attorney General  
*Attorneys for Complainant*

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Exhibit A  
Accusation No. 3389

1 EDMUND G. BROWN, JR.  
Attorney General of California  
2 FRANK H. PACOE  
Supervising Deputy Attorney General  
3 JOSHUA A. ROOM  
Deputy Attorney General  
4 State Bar No. 214663  
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6 Facsimile: (415) 703-5480  
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13 **Cupertino, CA 95014**

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

14 **Pharmacy Technician License No. TCH 65494**

15 Respondent.

16 Complainant alleges:

17 PARTIES

- 18 1. Virginia Herold (Complainant) brings this Accusation solely in her official capacity  
19 as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs.
- 20 2. On or about November 4, 2005, the Board of Pharmacy issued Pharmacy Technician  
21 License Number TCH 65494 to Tetyana V. Komirenko (Respondent). The Pharmacy Technician  
22 License was in full force and effect at all times relevant to the charges brought herein and will  
23 expire on October 31, 2009, unless renewed.

24 JURISDICTION

- 25 3. This Accusation is brought before the Board of Pharmacy (Board), Department of  
26 Consumer Affairs, under the authority of the following laws. All section references are to the  
27 Business and Professions Code (Code) unless otherwise indicated.

28 ///



1           4.     Section 4301 of the Code provides that the Board shall administer and enforce both  
2 the Pharmacy Law [Bus. & Prof. Code, § 4000 et seq.] and the Uniform Controlled Substances  
3 Act [Health & Safety Code, § 11000 et seq.].

4           5.     Section 4300(a) of the Code provides that every license issued by the Board may be  
5 suspended or revoked.

6           6.     Section 118(b) of the Code provides, in pertinent part, that the suspension, expiration,  
7 surrender, or cancellation of a license shall not deprive the Board of jurisdiction to proceed with a  
8 disciplinary action during the period within which the license may be renewed, restored, reissued  
9 or reinstated. Section 4402(a) of the Code provides that any pharmacist license that is not  
10 renewed within three years following its expiration may not be renewed, restored, or reinstated  
11 and shall be canceled by operation of law at the end of the three-year period. Section 4402(e) of  
12 the Code provides that any other license issued by the Board may be canceled by the Board if not  
13 renewed within 60 days after its expiration, and any license canceled in this fashion may not be  
14 reissued but will instead require a new application to seek reissuance.

#### 15                           STATUTORY AND REGULATORY PROVISIONS

16           7.     Section 4301 of the Code provides, in pertinent part, that the Board shall take action  
17 against any holder of a license who is guilty of "unprofessional conduct," defined to include, but  
18 not be limited to, any of the following:

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

22           (h) The administering to oneself, of any controlled substance, or the use of any dangerous  
23 drug or of alcoholic beverages to the extent or in a manner as to be dangerous or injurious to  
24 oneself [or to the public or to another person], or to the extent that the use impairs the ability of  
25 the person to conduct with safety to the public the practice authorized by the license.

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

28           ///

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

5 8. Section 4327 of the Code makes it unlawful, while on duty, to sell, dispense or  
6 compound any drug while under the influence of a dangerous drug or alcoholic beverage.

#### 7 COST RECOVERY

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

#### 11 FACTUAL BACKGROUND

12 10. Between on or about April 12, 2006 and on or about August 6, 2008, Respondent was  
13 employed as a pharmacy technician at a Save Mart / Lucky Pharmacy (# 723; PHY 48467) in Los  
14 Altos, California. In that position, she had access to controlled substances and dangerous drugs.

15 11. On or about August 2, 2008, while on duty as a pharmacy technician at Save Mart,  
16 Respondent took without paying/stole and consumed at least two (2), and as many as three (3),  
17 25.4 ounce cans of Foster's beer. Contemporaneous with and/or following consumption of the  
18 alcohol, Respondent continued working while exhibiting signs of intoxication/impairment.

#### 19 FIRST CAUSE FOR DISCIPLINE

20 (Acts Involving Moral Turpitude, Dishonesty, Fraud, Deceit or Corruption)

21 12. Respondent is subject to discipline under section 4301(f) of the Code in that she, as  
22 described in paragraphs 10 and 11 above, committed one or more acts involving moral turpitude,  
23 dishonesty, fraud, deceit, or corruption.

#### 24 SECOND CAUSE FOR DISCIPLINE

25 (Dangerous or Impairing Use of Alcohol)

26 22. Respondent is subject to discipline under section 4301(h) of the Code, in that she, as  
27 described in paragraphs 10 and 11 above, used alcohol to an extent or in a manner dangerous to  
28 herself, the public, or another, and/or impairing her practice as a pharmacy technician.

1 THIRD CAUSE FOR DISCIPLINE

2 (Selling, Dispensing, or Compounding While Under the Influence)

3 13. Respondent is subject to disciplinary action under section 4301(j) and/or (o) and  
4 section 4327 of the Code, in that as described in paragraphs 10 and 11 above, Respondent sold,  
5 dispensed or compounded one or more drugs while under the influence of an alcoholic beverage,  
6 and/or directly or indirectly attempted, conspired, and/or assisted in or abetted such conduct.

7 FOURTH CAUSE FOR DISCIPLINE

8 (Unprofessional Conduct)

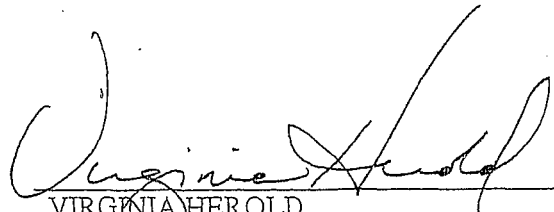
9 14. Respondent is subject to discipline under section 4301 of the Code in that  
10 Respondent, as described in paragraphs 10 to 13 above, engaged in unprofessional conduct.

11  
12 PRAYER

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

- 15 1. Revoking or suspending Pharmacy Technician Registration Number TCH 65494,  
16 issued to Tetyana V. Komirenko (Respondent);
- 17 2. Ordering Respondent to pay the Board the reasonable costs of the investigation and  
18 enforcement of this case, pursuant to Business and Professions Code section 125.3;
- 19 3. Taking such other and further action as is deemed necessary and proper.

20  
21  
22 DATED: 10/27/09



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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