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

In the Matter of the Accusation Against:

Case No. 3965

**GRETA NAVARRETTE, a.k.a. GRETA  
HERNANDEZ NAVARETTE  
Post Office Box 28093  
San Jose, CA 95159  
Pharmacy Technician License No. TCH  
49773**

**DEFAULT DECISION AND ORDER**

[Gov. Code, §11520]

Respondent.

FINDINGS OF FACT

1. On or about June 27, 2011, Complainant Virginia Herold, in her official capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs, filed Accusation No. 3965 against Greta Navarrette, also known as Greta Hernandez Navarrette (Respondent) before the Board of Pharmacy. (Accusation attached as exhibit A.)

2. On or about March 15, 2004, the Board of Pharmacy (Board) issued Pharmacy Technician License No. TCH 49773 to Respondent. The Pharmacy Technician License was in full force and effect at all times relevant to the charges brought in Accusation No. 3965 and will expire on December 31, 2011, unless renewed.

3. On or about June 29, 2011, Respondent was served by Certified and First Class Mail copies of the Accusation No. 3965, Statement to Respondent, Notice of Defense, Request for

1 Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6, and 11507.7) at  
2 Respondent's address of record which, pursuant to Business and Professions Code section 4100,  
3 is required to be reported and maintained with the Board. Respondent's address was and is: Post  
4 Office Box 28093, San Jose, CA 95159.

5 4. Service of the Accusation was effective as a matter of law under the provisions of  
6 Government Code section 11505, subdivision (c), and/or Business & Professions Code section  
7 124.

8 5. The Domestic Return Receipt for the certified mail was returned by the United States  
9 Postal Service. The Domestic Return Receipt indicates a date of delivery July 12, 2011, for the  
10 documents described in paragraph 3, above.

11 6. Government Code section 11506 states, in pertinent part:

12 (c) The respondent shall be entitled to a hearing on the merits if the respondent  
13 files a notice of defense, and the notice shall be deemed a specific denial of all parts  
14 of the accusation not expressly admitted. Failure to file a notice of defense shall  
15 constitute a waiver of respondent's right to a hearing, but the agency in its discretion  
16 may nevertheless grant a hearing.

17 7. Respondent failed to file a Notice of Defense within 15 days after service upon her of  
18 the Accusation, and therefore waived her right to a hearing on the merits of Accusation No. 3965.

19 8. California Government Code section 11520 states, in pertinent part:

20 (a) If the respondent either fails to file a notice of defense or to appear at the  
21 hearing, the agency may take action based upon the respondent's express admissions  
22 or upon other evidence and affidavits may be used as evidence without any notice to  
23 respondent.

24 9. Pursuant to its authority under Government Code section 11520, the Board finds  
25 Respondent is in default. The Board will take action without further hearing and, based on the  
26 relevant evidence contained in the Default Decision Evidence Packet in this matter, as well as  
27 taking official notice of all the investigatory reports, exhibits and statements contained therein on  
28 file at the Board's offices regarding the allegations contained in Accusation No. 3965, finds that  
the charges and allegations in Accusation No. 3965 are, separately and severally, found to be true  
and correct by clear and convincing evidence.

1           10. Taking official notice of its own internal records, pursuant to Business and  
2 Professions Code section 125.3, it is hereby determined that the reasonable costs for Investigation  
3 and Enforcement are \$1,382.50, as of July 21, 2011.

4                                   DETERMINATION OF ISSUES

5           1. Based on the foregoing findings of fact, Respondent Greta Navarrette, also known as  
6 Greta Hernandez Navarrette has subjected her Pharmacy Technician License No. TCH 49773 to  
7 discipline.

8           2. The agency has jurisdiction to adjudicate this case by default.

9           3. The Board of Pharmacy is authorized to revoke Respondent's Pharmacy Technician  
10 License based upon the following violations alleged in the Accusation which are supported by the  
11 evidence contained in the Default Decision Evidence Packet in this case:

12           a. Business and Professions Code section 4301, subdivision (f) (acts involving moral  
13 turpitude, dishonesty, fraud, deceit, or corruption), and Code sections 490 and 4301, subdivision  
14 (l) (conviction of substantially related crimes).

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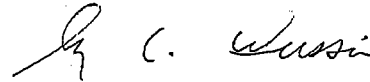
ORDER

IT IS SO ORDERED that Pharmacy Technician License No. TCH 49773, issued to Respondent Greta Navarrette, also known as Greta Hernandez Navarrette is revoked.

Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a written motion requesting that the Decision be vacated and stating the grounds relied on within seven (7) days after service of the Decision on Respondent. The agency in its discretion may vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

This Decision shall become effective on November 23, 2011.

It is so ORDERED October 24, 2011.



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STANLEY C. WEISSER, BOARD PRESIDENT  
FOR THE BOARD OF PHARMACY  
DEPARTMENT OF CONSUMER AFFAIRS

90202021.DOC  
DOJ Matter ID:SF2011900063

Attachment:  
Exhibit A: Accusation

# Exhibit A

Accusation

1 KAMALA D. HARRIS  
Attorney General of California  
2 DIANN SOKOLOFF  
Supervising Deputy Attorney General  
3 ~~SUSANA A. GONZALES~~  
Deputy Attorney General  
4 State Bar No. 253027  
1515 Clay Street, 20th Floor  
5 P.O. Box 70550  
Oakland, CA 94612-0550  
6 Telephone: (510) 622-2221  
Facsimile: (510) 622-2270  
7 *Attorneys for Complainant*

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

11 In the Matter of the Accusation Against:

Case No. 3965

12 **GRETA H. NAVARRETTE, a.k.a. GRETA**  
13 **HERNANDEZ NAVARETTE**  
14 **Post Office Box 28093**  
**San Jose, CA 95159**  
15 **Pharmacy Technician License No. TCH**  
**49773**

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

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 March 15, 2004, the Board of Pharmacy issued Pharmacy Technician  
23 License Number TCH 49773 to Greta H. Navarrette, also known as Greta Hernandez Navarette  
24 (Respondent). The Pharmacy Technician License was in full force and effect at all times relevant  
25 to the charges brought in this Accusation and will expire on December 31, 2011, unless renewed.  
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...  
“(1) The conviction of a crime substantially related to the qualifications, functions, and duties of a licensee under this chapter. ~~The record of conviction of a violation of Chapter 13 (commencing with Section 801) of Title 21 of the United States Code regulating controlled substances or of a violation of the statutes of this state regulating controlled substances or dangerous drugs shall be conclusive evidence of unprofessional conduct. In all other cases, the record of conviction shall be conclusive evidence only of the fact that the conviction occurred. The board may inquire into the circumstances surrounding the commission of the crime, in order to fix the degree of discipline or, in the case of a conviction not involving controlled substances or dangerous drugs, to determine if the conviction is of an offense substantially related to the qualifications, functions, and duties of a licensee under this chapter. A plea or verdict of guilty or a conviction following a plea of nolo contendere is deemed to be a conviction within the meaning of this provision. The board may take action when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under Section 1203.4 of the Penal Code allowing the person to withdraw his or her plea of guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or dismissing the accusation, information, or indictment.”~~

9. Section 490 of the Code provides, in pertinent part, that a board may suspend or revoke a license on the ground that the licensee has been convicted of a crime substantially related to the qualifications, functions, or duties of the business or profession for which the license was issued.

10. Section 493 of the Code states:

“Notwithstanding any other provision of law, in a proceeding conducted by a board within the department pursuant to law to deny an application for a license or to suspend or revoke a license or otherwise take disciplinary action against a person who holds a license, upon the ground that the applicant or the licensee has been convicted of a crime substantially related to the qualifications, functions, and duties of the licensee in question, the record of conviction of the



1 crime shall be conclusive evidence of the fact that the conviction occurred, but only of that fact,  
2 and the board may inquire into the circumstances surrounding the commission of the crime in  
3 ~~order to fix the degree of discipline or to determine if the conviction is substantially related to the~~  
4 qualifications, functions, and duties of the licensee in question.”

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

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

12 COST RECOVERY

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

16 FIRST CAUSE FOR DISCIPLINE

17 (Acts Involving Moral Turpitude, Dishonesty, Fraud, Deceit or Corruption)  
18 (Bus. & Prof. Code § 4301, subd. (f))

19 13. Respondent has subjected her pharmacy technician’s license to discipline under Code  
20 section 4301, subdivision (f), in that Respondent committed acts involving moral turpitude,  
21 dishonesty, fraud, deceit, or corruption. The circumstances are as follows:

22 14. On or about December 24, 2009, Respondent was shopping at a Sephora store inside  
23 the Valley Fair Shopping Center in San Jose. While inside the store, Sephora security officers  
24 observed Respondent taking several items from the shelves and placing them inside of an Old  
25 Navy shopping bag that she was carrying. At approximately 11:00 a.m., Respondent exited the  
26 store without paying for any of the items that she had placed in her Old Navy shopping bag.  
27 Respondent was detained by a Sephora security officer just a few feet outside of the store.  
28 Respondent admitted that she took the items from the store and she stated that they were gifts for

1 friends. The items totaled \$423.50. An officer from the San Jose Police Department responded  
2 to the scene and arrested Respondent for grand theft.

3 ~~SECOND CAUSE FOR DISCIPLINE~~

4 (Conviction of Substantially Related Crime)  
(Bus. & Prof. Code §§ 490, 4301, subd. (I); Cal Code Regs. tit. 16 § 1770)

5 15. Complainant realleges the allegations contained in paragraphs 13 and 14 above, and  
6 incorporates them as if fully set forth.

7 16. Respondent has subjected her pharmacy technician's license to discipline under Code  
8 sections 490 and 4301, subdivision (I), by reference to California Code of Regulations, title 16,  
9 section 1770, in that she was convicted of a crime substantially related to the qualifications,  
10 functions, and duties of a licensee. Specifically, on or about May 13, 2010, in a criminal matter  
11 entitled *The People of the State of California v. Greta Hernandez Navarrette*, Case Number  
12 C1069242, in the Superior Court of Santa Clara County, Respondent was convicted by plea of  
13 guilty to one count of violating Penal Code section 484-487, subdivision (a) (grand theft of  
14 personal property of a value over four hundred dollars), a misdemeanor. Respondent was  
15 sentenced to two days in jail and ordered to pay fees and fines.

16 THIRD CAUSE FOR DISCIPLINE

17 (Acts Involving Moral Turpitude, Dishonesty, Fraud, Deceit or Corruption)  
18 (Bus. & Prof. Code § 4301, subd. (f))

19 17. Respondent has subjected her pharmacy technician's license to discipline under Code  
20 section 4301, subdivision (f), in that Respondent committed acts involving moral turpitude,  
21 dishonesty, fraud, deceit, or corruption. The circumstances are as follows:

22 18. On or about June 27, 2010, at approximately 8:00 p.m., Respondent entered a Target  
23 store on Silver Creek Road in San Jose. A loss prevention officer at Target observed Respondent  
24 take several items from the shelves and place them in her purse. Respondent then went to the  
25 register and paid only for the items in her shopping cart. Respondent walked passed the registers  
26 and attempted to leave the store with the unpaid items in her purse, but she was stopped by a  
27 Target loss prevention officer who called the police. The total retail value of the items in  
28 Respondent's purse was \$390.24. An officer from the San Jose Police Department responded to

1 the scene at approximately 8:48 p.m. and took Respondent into custody. After waiving her  
2 Miranda rights, Respondent told the officer that she went into Target to buy paper towels and  
3 ~~water. She admitted that she placed clothes, jewelry, CD's, and DVD's into her purse and~~  
4 attempted to walk out of the front door without paying for these items. Respondent could not  
5 explain why she stole these items other than stating that she "wanted the adrenaline rush."

6 FOURTH CAUSE FOR DISCIPLINE

(Conviction of Substantially Related Crime)

7 (Bus. & Prof. Code §§ 490, 4301, subd. (l); Cal Code Regs. tit. 16 § 1770)

8 19. Complainant realleges the allegations contained in paragraphs 17 and 18 above, and  
9 incorporates them as if fully set forth.

10 20. Respondent has subjected her pharmacy technician's license to discipline under Code  
11 sections 490 and 4301, subdivision (l), by reference to California Code of Regulations, title 16,  
12 section 1770, in that she was convicted of a crime substantially related to the qualifications,  
13 functions, and duties of a licensee. Specifically, on or about August 27, 2010, in a criminal  
14 matter entitled *The People of the State of California v. Greta Hernandez Navarrette*, in the Santa  
15 Clara County Superior Court, Case Number C1081009, Respondent was convicted by plea of  
16 guilty to one count of violating Penal Code section 666 (petty theft with a prior), a felony. On or  
17 about October 13, 2010, Respondent was sentenced to three years of court probation and thirty  
18 days in jail. Respondent was also ordered to stay out of any Target store in Santa Clara County.

19 FIFTH CAUSE FOR DISCIPLINE

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

(Bus. & Prof. Code § 4301, subd. (f))

21 21. Respondent has subjected her pharmacy technician's license to discipline under Code  
22 section 4301, subdivision (f), in that Respondent committed acts involving moral turpitude,  
23 dishonesty, fraud, deceit, or corruption. The circumstances are as follows:

24 22. On or about July 30, 2010, while at a Savemart store in San Jose, Respondent placed  
25 items in her bag and walked out of the store without paying for them. Respondent was placed  
26 under citizen's arrest by a Savemart employee. An officer from the San Jose Police Department  
27 was dispatched to the Savemart at approximately 9:28 p.m. Respondent was placed under arrest  
28

1 for violation of Penal Code section 666 and transported to the main jail in San Jose. Respondent  
2 waived her Miranda rights and told the officer that she went to the Savemart to purchase a few  
3 ~~things that she needed. While inside, she decided that she needed toiletries and magazines, but~~  
4 she could not afford them. Respondent admitted that she paid for some of the food, but she took  
5 approximately \$80.00 worth of merchandise without paying for it.

6 SIXTH CAUSE FOR DISCIPLINE

7 (Conviction of Substantially Related Crime)

8 (Bus. & Prof. Code §§ 490, 4301, subd. (I); Cal Code Regs. tit. 16 § 1770)

9 23. Complainant realleges the allegations contained in paragraphs 21 and 22 above, and  
10 incorporates them as if fully set forth.

11 24. Respondent has subjected her pharmacy technician's license to discipline under Code  
12 sections 490 and 4301, subdivision (I), by reference to California Code of Regulations, title 16,  
13 section 1770, in that she was convicted of a crime substantially related to the qualifications,  
14 functions, and duties of a licensee. Specifically, on or about August 27, 2010, in a criminal  
15 matter entitled *The People of the State of California v. Greta Hernandez Navarrette*, in the Santa  
16 Clara County Superior Court, Case Number C1083713, Respondent was convicted by plea of  
17 guilty to one count of violating Penal Code section 666 (petty theft with a prior), with an  
18 enhancement of Penal Code section 12022.1 (felony committed while released on bail or  
19 recognizance), a felony. On or about October 13, 2010, Respondent's conviction was reduced to  
20 a misdemeanor and Respondent was sentenced to three years of court probation and 30 days in  
21 jail. Respondent was also ordered to stay out of any Savemart store in Santa Clara County.

22 DISCIPLINARY CONSIDERATIONS

23 25. Prior to May 31, 2003, Respondent was convicted of or pled no contest to one or  
24 more violations of law of a foreign country, the United States, or a state law or local ordinance.  
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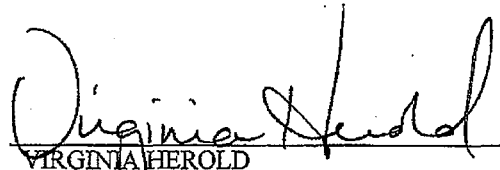
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PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters alleged in this  
~~Accusation, and that following the hearing, the Board of Pharmacy issue a decision:~~

1. Revoking or suspending Pharmacy Technician License Number TCH 49773, issued to Greta H. Navarrette, also known as Greta Hernandez Navarrette;
2. Ordering Greta H. Navarrette, also known as Greta Hernandez Navarrette 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;
3. Taking such other and further action as deemed necessary and proper.

DATED: 6/27/11

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

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