

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

In the Matter of the Accusation Against:

Case No. 4105

NICOLE ALANA PETERS

3327 Preble Avenue
Ventura, CA 93003

Pharmacy Technician License No. TCH 77539

Respondent.

DECISION AND ORDER

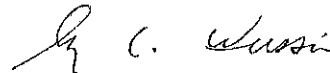
The attached Stipulated Surrender of License and Order is hereby adopted by the Board of Pharmacy, Department of Consumer Affairs, as its Decision in this matter.

This decision shall become effective on May 19, 2014.

It is so ORDERED on May 14, 2014.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

By



STAN C. WEISSER
Board President

1 KAMALA D. HARRIS
Attorney General of California
2 MARC D. GREENBAUM
Supervising Deputy Attorney General
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Deputy Attorney General
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Attorneys for Complainant

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9 **STATE OF CALIFORNIA**

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11 **NICOLE ALANA PETERS**
12 **3327 Preble Avenue**
Ventura, CA 93003
13 **Pharmacy Technician License No. TCH**
77539

STIPULATED SURRENDER OF
LICENSE AND ORDER

14
15 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. Virginia Herold (Complainant) is the Executive Officer of the Board of Pharmacy.
23 She brought this action solely in her official capacity and is represented in this matter by Kamala
24 D. Harris, Attorney General of the State of California, by Morgan Malek, Deputy Attorney
25 General.

26 2. Nicole Alana Peters (Respondent) is representing herself in this proceeding and has
27 chosen not to exercise her right to be represented by counsel.
28

1 Respondent. This stipulation constitutes a record of the discipline and shall become a part of
2 Respondent's license history with the Board of Pharmacy.

3 2. Respondent shall lose all rights and privileges as a Pharmacy Technician in California
4 as of the effective date of the Board's Decision and Order.

5 3. Respondent shall cause to be delivered to the Board her pocket license and, if one was
6 issued, her wall certificate on or before the effective date of the Decision and Order.

7 4. Respondent understands and agrees that if she ever applies for licensure or petitions
8 for reinstatement in the State of California, the Board shall treat it as a new application for
9 licensure. Respondent must comply with all the laws, regulations and procedures for licensure in
10 effect at the time the application or petition is filed, and all of the charges and allegations
11 contained in Accusation No. 4105 shall be deemed to be true, correct and admitted by Respondent
12 when the Board determines whether to grant or deny the application or petition. Respondent may
13 not apply or reapply for, or petition for reinstatement of, any license, permit, or registration from
14 the Board for three (3) years from the effective date of this Decision and Order.

15 5. Respondent shall pay the agency its costs of investigation and enforcement in the
16 amount of two thousand seven hundred ninety nine dollars and seventy five cents (\$2,799.75)
17 prior to issuance of a new license.

18 6. If Respondent should ever apply or reapply for a new license or certification, or
19 petition for reinstatement of a license, by any other health care licensing agency in the State of
20 California, all of the charges and allegations contained in Accusation, No. 4105 shall be deemed
21 to be true, correct, and admitted by Respondent for the purpose of any Statement of Issues or any
22 other proceeding seeking to deny or restrict licensure.

23 ACCEPTANCE

24 I have carefully read the Stipulated Surrender of License and Order. I understand the
25 stipulation and the effect it will have on my Pharmacy Technician License. I enter into this
26 Stipulated Surrender of License and Order voluntarily, knowingly, and intelligently, and agree to
27 be bound by the Decision and Order of the Board of Pharmacy.

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DATED: 5.07.2013 Nicole Alana Peters
NICOLE ALANA PETERS
Respondent

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: 5.07.2013

Respectfully submitted,
KAMALA D. HARRIS
Attorney General of California
MARC D. GREENBAUM
Supervising Deputy Attorney General

MORGAN MALEK
Deputy Attorney General
Attorneys for Complainant

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DATED: _____

NICOLE ALANA PETERS
Respondent

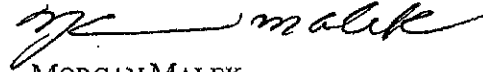
ENDORSEMENT

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: 5/7/13

Respectfully submitted,

KAMALA D. HARRIS
Attorney General of California
MARC D. GREENBAUM
Supervising Deputy Attorney General



MORGAN MALEK
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Accusation No. 4105

1 KAMALA D. HARRIS
Attorney General of California
2 MARC D. GREENBAUM
Supervising Deputy Attorney General
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11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 4105

13 **NICOLE ALANA PETERS**
3327 Preble Avenue
Ventura, CA 93003

A C C U S A T I O N

14 Pharmacy Technician License No. TCH 77539

15 Respondent.

16
17 Complainant alleges:

18 **PARTIES**

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

21 2. On or about July 30, 2007, the Board issued Pharmacy Technician License
22 No. TCH 77539 to Nicole Alana Peters (Respondent). The Pharmacy Technician License was in
23 full force and effect at all times relevant to the charges brought herein and will expire on
24 September 30, 2012, unless renewed.

25 **JURISDICTION**

26 3. This Accusation is brought before the Board under the authority of the following
27 laws. All section references are to the Business and Professions Code unless otherwise indicated.

28 ///

STATUTORY PROVISIONS

1
2 4. Section 118, subdivision (b), provides that the suspension, expiration, surrender or
3 cancellation of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary
4 action during the period within which the license may be renewed, restored, reissued or
5 reinstated.

6 5. Section 490 provides that a board may suspend or revoke a license on the ground that
7 the licensee has been convicted of a crime substantially related to the qualifications, functions, or
8 duties of the business or profession for which the license was issued.

9 6. Section 4300, subdivision (a), states that "[e]very license issued may be suspended or
10 revoked."

11 7. Section 4301 states, in pertinent part:

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

15

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

19

20 "(h) The administering to oneself, of any controlled substance, or the use of any dangerous
21 drug or of alcoholic beverages to the extent or in a manner as to be dangerous or injurious to
22 oneself, to a person holding a license under this chapter, or to any other person or to the public, or
23 to the extent that the use impairs the ability of the person to conduct with safety to the public the
24 practice authorized by the license.

25

26 "(l) The conviction of a crime substantially related to the qualifications, functions, and
27 duties of a licensee under this chapter. The record of conviction of a violation of Chapter 13
28 (commencing with Section 801) of Title 21 of the United States Code regulating controlled

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

15 **REGULATORY PROVISION**

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

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

23 **COST RECOVERY**

24 9: Section 125.3 provides that the Board may request the administrative law judge to
25 direct a licentiate found to have committed a violation or violations of the licensing act to pay a
26 sum not to exceed the reasonable costs of the investigation and enforcement of the case.

27 ///
28 ///

1 **FIRST CAUSE FOR DISCIPLINE**

2 **(Convictions of Substantially Related Crimes)**

3 10. Respondent is subject to disciplinary action under sections 490, 4300, and 4301,
4 subdivision (l), in conjunction with California Code of Regulations, title 16, section 1770, on the
5 grounds of unprofessional conduct, in that Respondent was convicted of crimes substantially
6 related to the qualifications, functions or duties of a licensee which to a substantial degree
7 evidences her present or potential unfitness to perform the functions authorized by her license in
8 a manner consistent with the public health, safety, or welfare. The convictions are as follows:

9 a. On or about February 29, 2012, after pleading guilty, Respondent was convicted of
10 one misdemeanor count of violating Penal Code section 484(a) [petty theft] in the criminal
11 proceeding entitled *The People of the State of California v. Nicole Alana Peters* (Super. Ct.
12 Ventura County, 2011, No. 2011021986MA). The Court sentenced Respondent to 30 days jail,
13 placed her on 36 months probation, and ordered her to stay away from Rite Aid, Ventura,
14 California. The circumstances underlying the conviction are that on or about June 18, 2011,
15 Respondent was arrested for shoplifting from Rite-Aid, Ventura, California, after she was
16 approached for detention by loss prevention officers, became confrontational and combative, and
17 caused store security to lock the automatic front doors and to have an employee allow people in
18 and out of the store through a side door due to an uncooperative shoplifter inside causing a scene.

19 Respondent took and concealed \$23.97 worth of merchandise: two (2) sets of pink hangars, two
20 (2) sets of everyday cards, and one (1) box cutter.

21 b. On or about February 29, 2012, after pleading guilty, Respondent was convicted of
22 one misdemeanor count of violating Penal Code section 459 [second degree commercial
23 burglary] in the criminal proceeding entitled *The People of the State of California v. Nicole Alana*
24 *Peters* (Super. Ct. Ventura County, 2010, No. 2010045516MA). The Court sentenced
25 Respondent to 30 days jail, placed her on 36 months probation, and ordered her to stay away from
26 Target, Ventura, California. The circumstances underlying the conviction are that on or about
27 December 22, 2010, Respondent was arrested for shoplifting from Target, Ventura, California,
28 after she was in the store shoplifting and identified as an unapprehended shoplifter from the

1 previous day. On or about December 22, 2010, Respondent took and concealed \$93.11 worth of
2 merchandise, clothing, accessories, a book and stationery articles, and paid for two (2) blouses
3 after switching out their prices with lower clearance price tags. On or about December 21, 2010,
4 before Respondent ran out to her vehicle and sped away, she was observed shoplifting various
5 merchandise, a shirt, socks, leggings and shoes.

6 c. On or about June 1, 2011, after pleading guilty, Respondent was convicted of one
7 interlineated misdemeanor count of violating Vehicle Code section 14601.5 [knowingly drive
8 with a suspended/revoked driver's license] in the criminal proceeding entitled *The People of the*
9 *State of California v. Nicole Alana Peters* (Super. Ct. Los Angeles County, 2011,
10 No. 1MB01098). The Court sentenced Respondent to 10 days jail, placed her on 36 months
11 probation, and ordered her to drive her vehicle with an installed ignition interlock device for
12 one (1) year. The circumstances underlying the conviction are that on or about April 2, 2011,
13 Respondent drove a vehicle while having her driving privilege suspended or revoked.

14 d. On or about March 1, 2011, after pleading guilty, Respondent was convicted of one
15 misdemeanor count of violating Vehicle Code section 23152(b) [drive with an equal to or greater
16 than 0.08% blood alcohol content (BAC)] in the criminal proceeding entitled *The People of the*
17 *State of California v. Nicole Alana Peters* (Super. Ct. Ventura County, 2010, No. 20100030433).
18 The Court sentenced Respondent to one (1) day jail, placed her on 36 months probation, and
19 ordered her to complete a 90-Day First Offender Drinking Driver Program. The circumstances
20 underlying the conviction are that on or about August 25, 2010, Respondent drove while under
21 the influence of a tested 0.113%/0.114% BAC. In addition, Respondent admittedly drove with a
22 suspended driver's license.

23 **SECOND CAUSE FOR DISCIPLINE**

24 **(Dangerous Use of Alcohol)**

25 11. Respondent is subject to disciplinary action under sections 4300 and 4301,
26 subdivision (h), on the grounds of unprofessional conduct, in that on or about August 25, 2010,
27 Respondent dangerously used alcoholic beverages to an extent or in a manner as to be dangerous
28 or injurious to herself or others. Complainant refers to and by this reference incorporates the

1 allegations set forth above in paragraph 10, subparagraph (d), inclusive, as though set forth fully.

2 **THIRD CAUSE FOR DISCIPLINE**

3 **(Acts of Moral Turpitude, Dishonesty, Fraud, Deceit, or Corruption)**

4 12. Respondent is subject to disciplinary action under sections 4300 and 4301,
5 subdivision (f), on the grounds of unprofessional conduct, in that Respondent committed acts
6 involving moral turpitude, dishonesty, fraud, deceit, or corruption. Complainant refers to and by
7 this reference incorporates the allegations set forth above in paragraphs 10, subparagraphs a-c,
8 and 11, inclusive, as though set forth fully.

9 **FOURTH CAUSE FOR DISCIPLINE**

10 **(Unprofessional Conduct)**

11 13. Respondent is subject to disciplinary action under sections 4300 and 4301, for
12 committing acts of unprofessional conduct. Complainant refers to and by this reference
13 incorporates the allegations set forth above in paragraphs 10 - 12, inclusive, as though set forth
14 fully.

15 **DISCIPLINE CONSIDERATIONS**

16 14. To determine the degree of discipline, Complainant alleges:

17 a. On or about October 1, 2009, the Board issued Respondent a Letter of Admonishment
18 for violating sections 4301, subdivision (f) [acts of moral turpitude, dishonesty, fraud, deceit, or
19 corruption] and subdivision (l) [conviction of a substantially related crime] directing her appeal or
20 to submit a written corrective action plan documenting her compliance within 30 days.

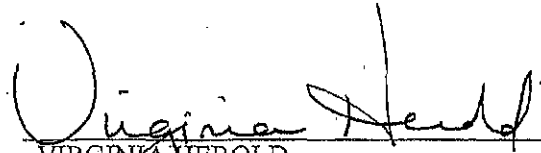
21 b. On or about February 26, 2009, after pleading nolo contendere, Respondent was
22 convicted of one misdemeanor count of violating Penal Code section 487(a) [grand theft of
23 personal property] in the criminal proceeding entitled *The People of the State of California v.*
24 *Nicole Alana Peters* (Super. Ct. Ventura County, 2008, No. 2008052104). The Court sentenced
25 Respondent to 30 days jail, placed her on 36 months probation, ordered her to complete 12-Step
26 Psychiatric Care, and ordered her to stay away from Macy's. The circumstances underlying the
27 conviction are that on or about December 14, 2008, Respondent shoplifted various clothing items
28 valued at \$480.20 from Macy's, Ventura, California.

PRAYER

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

1. Revoking or suspending Pharmacy Technician License No. TCH 77539, issued to Nicole Alana Peters;
2. Ordering Nicole Alana Peters to pay the Board the reasonable costs of the investigation and enforcement of this case, pursuant to section 125.3; and
3. Taking such other and further action as deemed necessary and proper.

DATED: 2/27/13



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

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