

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

In the Matter of the Accusation Against:

Case No. 4368

**DENISE VILLALVA**  
910 E. Hydepark Blvd.  
Inglewood, CA 90302

Pharmacy Technician Registration No.  
TCH 104569

Respondent.

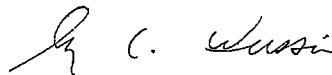
**DECISION AND ORDER**

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 January 29, 2014.

It is so ORDERED on January 24, 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  
 3 ZACHARY T. FANSELOW  
 Deputy Attorney General  
 4 State Bar No. 274129  
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 Attorneys for Complainant

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**BOARD OF PHARMACY**  
**DEPARTMENT OF CONSUMER AFFAIRS**  
 9 **STATE OF CALIFORNIA**

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Case No. 4368

11 **DENISE VILLALVA**  
 12 910 E. Hydepark Blvd  
 13 Inglewood, CA 90302

OAH No. 2013070530

**STIPULATED SURRENDER OF  
 LICENSE AND ORDER**

14 **Pharmacy Technician Registration No. TCH**  
 15 **104569**

16 Respondent.

17  
 18 **IT IS HEREBY STIPULATED AND AGREED** by and between the parties to the above-  
 19 entitled proceedings that the following matters are true:

20 **PARTIES**

21 1. Virginia Herold ("Complainant") is the Executive Officer of the Board of Pharmacy.  
 22 She brought this action solely in her official capacity and is represented in this matter by Kamala  
 23 D. Harris, Attorney General of the State of California, by Zachary T. Fanselow, Deputy Attorney  
 24 General.

25 2. Denise Villalva ("Respondent") is representing herself in this proceeding and has  
 26 chosen not to exercise her right to be represented by counsel.

27 3. On or about June 29, 2010, the Board of Pharmacy issued Pharmacy Technician  
 28 Registration No. TCH 104569 to Denise Villalva ("Respondent"). The Pharmacy Technician

1 Registration was in full force and effect at all times relevant to the charges brought in Accusation  
2 No. 4368 and will expire on October 31, 2013, unless renewed.

3 JURISDICTION

4 4. Accusation No. 4368 was filed before the Board of Pharmacy ("Board"), Department  
5 of Consumer Affairs, and is currently pending against Respondent. The Accusation and all other  
6 statutorily required documents were properly served on Respondent on June 3, 2013. Respondent  
7 timely filed her Notice of Defense contesting the Accusation. A copy of Accusation No. 4368 is  
8 attached as Exhibit A and incorporated by reference.

9 ADVISEMENT AND WAIVERS

10 5. Respondent has carefully read, and understands the charges and allegations in  
11 Accusation No. 4368. Respondent also has carefully read, and understands the effects of this  
12 Stipulated Surrender of License and Order.

13 6. Respondent is fully aware of her legal rights in this matter, including the right to a  
14 hearing on the charges and allegations in the Accusation; the right to be represented by counsel, at  
15 her own expense; the right to confront and cross-examine the witnesses against her; the right to  
16 present evidence and to testify on her own behalf; the right to the issuance of subpoenas to  
17 compel the attendance of witnesses and the production of documents; the right to reconsideration  
18 and court review of an adverse decision; and all other rights accorded by the California  
19 Administrative Procedure Act and other applicable laws.

20 7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and  
21 every right set forth above.

22 CULPABILITY

23 8. Respondent admits the truth of each and every charge and allegation in Accusation  
24 No. 4368, agrees that cause exists for discipline and hereby surrenders her Pharmacy Technician  
25 Registration No. TCH 104569 for the Board's formal acceptance.

26 9. Respondent understands that by signing this stipulation she enables the Board to issue  
27 an order accepting the surrender of her Pharmacy Technician Registration without further  
28 process.

CONTINGENCY

1  
2 10. This stipulation shall be subject to approval by the Board of Pharmacy. Respondent  
3 understands and agrees that counsel for Complainant and the staff of the Board of Pharmacy may  
4 communicate directly with the Board regarding this stipulation and surrender, without notice to or  
5 participation by Respondent. By signing the stipulation, Respondent understands and agrees that  
6 she may not withdraw her agreement or seek to rescind the stipulation prior to the time the Board  
7 considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order,  
8 the Stipulated Surrender and Disciplinary Order shall be of no force or effect, except for this  
9 paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not  
10 be disqualified from further action by having considered this matter.

11 11. The parties understand and agree that Portable Document Format (PDF) and facsimile  
12 copies of this Stipulated Surrender of License and Order, including Portable Document Format  
13 (PDF) and facsimile signatures thereto, shall have the same force and effect as the originals.

14 12. This Stipulated Surrender of License and Order is intended by the parties to be an  
15 integrated writing representing the complete, final, and exclusive embodiment of their agreement.  
16 It supersedes any and all prior or contemporaneous agreements, understandings, discussions,  
17 negotiations, and commitments (written or oral). This Stipulated Surrender of License and Order  
18 may not be altered, amended, modified, supplemented, or otherwise changed except by a writing  
19 executed by an authorized representative of each of the parties.

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

ORDER

22  
23 IT IS HEREBY ORDERED that Pharmacy Technician Registration No. TCH 104569,  
24 issued to Respondent Denise Villalva, is surrendered and accepted by the Board of Pharmacy.

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

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

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

5           4.    If she ever applies for licensure or petitions for reinstatement in the State of  
6 California, the Board shall treat it as a new application for licensure. Respondent must comply  
7 with all the laws, regulations and procedures for licensure in effect at the time the application or  
8 petition is filed, and all of the charges and allegations contained in Accusation No. 4368 shall be  
9 deemed to be true, correct and admitted by Respondent when the Board determines whether to  
10 grant or deny the application or petition.

11          5.    Respondent stipulates that should she apply for any license from the board on or after  
12 the effective date of this decision, investigation and prosecution costs in the amount of \$3,697.50  
13 shall be paid to the board prior to issuance of the license.

14          6.    If Respondent should ever apply or reapply for a new license or certification, or  
15 petition for reinstatement of a license, by any other health care licensing agency in the State of  
16 California, all of the charges and allegations contained in Accusation, No. 4368 shall be deemed  
17 to be true, correct, and admitted by Respondent for the purpose of any Statement of Issues or any  
18 other proceeding seeking to deny or restrict licensure.

19          7.    Respondent may not apply for any license, permit, or registration from the board for  
20 three (3) years from the effective date of this decision. Respondent stipulates that should she  
21 apply for any license from the board on or after the effective date of this decision, all allegations  
22 set forth in the accusation shall be deemed to be true, correct and admitted by respondent when  
23 the board determines whether to grant or deny the application.

24          8.    Respondent shall satisfy all requirements applicable to that license as of the date the  
25 application is submitted to the board, including, but not limited to certification by a nationally  
26 recognized body prior to the issuance of a new license. Respondent is required to report this  
27 surrender as disciplinary action.

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ACCEPTANCE

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

DATED: 12/13/2013 Denise Villalva  
DENISE VILLALVA  
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: 12/13/2013  
Respectfully submitted,  
KAMALA D. HARRIS  
Attorney General of California  
MARC D. GREENBAUM  
Supervising Deputy Attorney General  
Zachary T. Faselow  
ZACHARY T. FANSELOW  
Deputy Attorney General  
Attorneys for Complainant

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**Exhibit A**

**Accusation No. 4368**

1 KAMALA D. HARRIS  
Attorney General of California  
2 MARC D. GREENBAUM  
Supervising Deputy Attorney General  
3 ZACHARY T. FANSELOW  
Deputy Attorney General  
4 State Bar No. 274129  
300 So. Spring Street, Suite 1702  
5 Los Angeles, CA 90013  
Telephone: (213) 897-2562  
6 Facsimile: (213) 897-2804  
*Attorneys for Complainant*

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11 In the Matter of the Accusation Against:  
12 **DENISE VILLALVA**  
910 E. Hydepark Blvd  
13 Inglewood, CA 90302  
14 Pharmacy Technician Registration  
No. TCH 104569  
15 Respondent.

Case No. 4368

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

16  
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 June 29, 2010, the Board of Pharmacy ("Board") issued Pharmacy  
23 Technician Registration No. TCH 104569 to Denise Villalva ("Respondent"). The Pharmacy  
24 Technician Registration was in full force and effect at all times relevant to the charges brought  
25 herein and will expire on October 31, 2013, unless renewed.

26 **JURISDICTION**

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





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

....

"(l) 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.

....

"(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 by any other state or federal regulatory agency."

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1 **REGULATORY PROVISIONS**

2 8. California Code of Regulations, title 16, section 1770 states, in pertinent part:

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

9 **COST RECOVERY**

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

14 **CONTROLLED SUBSTANCES**

15 10. "Marijuana," is a Schedule I controlled substance as defined in Health and Safety  
16 Code section 11054, subdivision (d)(13), and is categorized as a dangerous drug pursuant to  
17 section 4022.

18 11. "Methamphetamine," is a Schedule II controlled substance as designated by Health  
19 and Safety Code section 11055, subdivision (d)(2), and is categorized as a dangerous drug  
20 pursuant to Business and Professions Code section 4022.

21 **FIRST CAUSE FOR DISCIPLINE**

22 **(Conviction of a Substantially Related Crime)**

23 12. Respondent's license is subject to discipline under sections 4301, subdivision (I) and  
24 490, in conjunction with California Code of Regulations, title 16, section 1770, in that  
25 Respondent has been convicted of a crime substantially related to the qualifications, functions or  
26 duties of a pharmacy technician. On or about June 27, 2011, after pleading nolo contendere,  
27 Respondent was convicted of one misdemeanor count of violating Health and Safety Code section  
28 11377, subdivision (a) [possession of a controlled substance] in the criminal proceeding entitled

1 *The People of the State of California v. Denise Villalva* (Super. Ct. Los Angeles County, 2011,  
2 No. 1IG02641). The Court sentenced Respondent to serve two (2) days in Los Angeles County  
3 Jail and placed her on probation for a period of twelve (12) months, with terms and conditions.  
4 The circumstances surrounding the conviction are that on or about April 10, 2011, Inglewood  
5 Police Department officers conducted a traffic stop on a vehicle Respondent was a passenger in.  
6 While speaking to Respondent the officer detected an odor of Marijuana emitting from the  
7 vehicle. The officer conducted a search of the vehicle and found in Respondent's purse a plastic  
8 bottle containing a green leafy substance resembling Marijuana and two clear plastic baggies  
9 inside a white plastic container that contained a white crystal like substance resembling  
10 Methamphetamine. Respondent was subsequently arrested for violating Health and Safety Code  
11 section 11357, subdivision (b) [possession of marijuana], and Health and Safety Code section  
12 11377, subdivision (a) [possession of a controlled substance].

13 **SECOND CAUSE FOR DISCIPLINE**

14 **(Possession of a Controlled Substance)**

15 13. Respondent's license is subject to discipline under section 4301, subdivisions (j) and  
16 (o), in that on or about April 10, 2011, Respondent was found to be in possession of a controlled  
17 substance. Complainant refers to, and by this reference incorporates, the allegations set forth  
18 above in paragraph 12, as though set forth fully.

19 **THIRD CAUSE FOR DISCIPLINE**

20 **(Knowingly Making a False Statement of Fact)**

21 14. Respondent's license is subject to discipline under section 4301, subdivision (g), in  
22 that Respondent knowingly made a false statement of fact to the Board by failing to disclose her  
23 2011 conviction on her renewal application for licensure. Complainant refers to, and by this  
24 reference incorporates, the allegations set forth above in paragraph 12, as though set forth fully.

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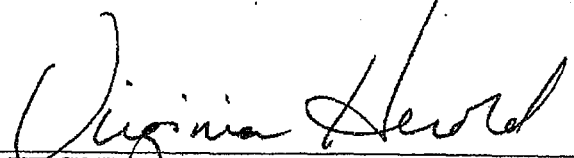
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PRAYER

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 Registration No. TCH 104569, issued to Denise Villalva;
2. Ordering Denise Villalva 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: 5/9/13



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

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mc (1/28/13)