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

In the Matter of the Accusation Against:

**ANTOINETTE LATRECE BLUE  
1503 W. 111th Pl.  
Los Angeles, CA 90047  
Pharmacy Technician Registration No. TCH  
85892**

Respondent.

Case No. 4673

**DEFAULT DECISION AND ORDER**

[Gov. Code, §11520]

**FINDINGS OF FACT**

1. On or about May 3, 2014, Complainant Virginia K. Herold, in her official capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs, filed Accusation No. 4673 against Antoinette Latrece Blue (Respondent) before the Board of Pharmacy. (Accusation attached as Exhibit A.)

2. On or about November 14, 2008, the Board of Pharmacy (Board) issued Pharmacy Technician Registration No. TCH 85892 to Respondent. The Pharmacy Technician Registration was in full force and effect at all times relevant to the charges brought in Accusation No. 4673

1 and expired on April 30, 2014 and has not been renewed. This lapse in licensure, however,  
2 pursuant to Business and Professions Code section 118(b) and/or agency-specific statute does not  
3 deprive the [Board] of its authority to institute or continue this disciplinary proceeding.

4 3. On or about May 13, 2014, Respondent was served by Certified and First Class Mail  
5 copies of the Accusation No. 4673, Statement to Respondent, Notice of Defense, Request for  
6 Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6, and 11507.7) at  
7 Respondent's address of record which, pursuant to Business and Professions Code section 4100,  
8 is required to be reported and maintained with the Board. Respondent's address of record was  
9 and is:

10 1503 W. 111th Pl.  
11 Los Angeles, CA 90047.

12 4. Service of the Accusation was effective as a matter of law under the provisions of  
13 Government Code section 11505, subdivision (c) and/or Business & Professions Code section  
14 124.

15 5. Government Code section 11506 states, in pertinent part:

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

21 6. Respondent failed to file a Notice of Defense within 15 days after service upon her of  
22 the Accusation, and therefore waived her right to a hearing on the merits of Accusation No. 4673.

23 7. California Government Code section 11520 states, in pertinent part:

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

28 8. Pursuant to its authority under Government Code section 11520, the Board finds  
Respondent is in default. The Board will take action without further hearing and, based on the  
relevant evidence contained in the Default Decision Evidence Packet in this matter, as well as  
taking official notice of all the investigatory reports, exhibits and statements contained therein on

1 file at the Board's offices regarding the allegations contained in Accusation No. 4673, finds that  
2 the charges and allegations in Accusation No. 4673, are separately and severally, found to be true  
3 and correct by clear and convincing evidence.

4 9. Taking official notice of its own internal records, pursuant to Business and  
5 Professions Code section 125.3, it is hereby determined that the reasonable costs for Investigation  
6 and Enforcement is \$3,200.00 as of September 11, 2014.

7 **DETERMINATION OF ISSUES**

8 1. Based on the foregoing findings of fact, Respondent Antoinette Latrece Blue has  
9 subjected her Pharmacy Technician Registration No. TCH 85892 to discipline.

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

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

14 a. Respondent violated Business and Professions Code sections 490, 4300 and  
15 4301, subdivision (l), in conjunction with California Code of Regulations, title 16, section 1770,  
16 on the grounds of unprofessional conduct, in that Respondent was convicted of a substantially  
17 related crime.

18 b. Respondent violated Business and Professions Code section 4301, subdivision  
19 (o), in that Respondent committed acts of unprofessional conduct and/ or violated provisions of  
20 the licensing chapter.

21 c. Respondent violated Business and Professions Code sections 4300 and 4301,  
22 subdivision (f), on the grounds of unprofessional conduct, in that Respondent committed acts  
23 involving moral turpitude, dishonesty, fraud, deceit, or corruption.

24 **ORDER**

25 IT IS SO ORDERED that Pharmacy Technician Registration No. TCH 85892, heretofore  
26 issued to Respondent Antoinette Latrece Blue, is revoked.

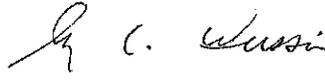
27 Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a  
28 written motion requesting that the Decision be vacated and stating the grounds relied on within

1 seven (7) days after service of the Decision on Respondent. The agency in its discretion may  
2 vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

3 This Decision shall become effective on November 10, 2014.

4 It is so ORDERED October 10, 2014.

5 BOARD OF PHARMACY  
6 DEPARTMENT OF CONSUMER AFFAIRS  
7 STATE OF CALIFORNIA

8 By   
9 STAN C. WEISSER  
10 Board President

11 51595729.DOC  
12 DOJ Matter ID:LA2013510087

13 Attachment:  
14 Exhibit A: Accusation

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# Exhibit A

Accusation

1 KAMALA D. HARRIS  
Attorney General of California  
2 MARC. D. GREENBAUM  
Supervising Deputy Attorney General  
3 LESLIE A. WALDEN  
Deputy Attorney General  
4 State Bar No. 196882  
300 So. Spring Street, Suite 1702  
5 Los Angeles, CA 90013  
Telephone: (213) 897-8944  
6 Facsimile: (213) 897-2804  
*Attorneys for Complainant*

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

10 In the Matter of the Accusation Against:

Case No. 4673

11 **ANTOINETTE LATRECE BLUE**  
12 1503 W. 111th Pl.  
13 Los Angeles, CA 90047

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

14 Pharmacy Technician Registration  
15 No. TCH 85892

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.

21 2. On or about November 14, 2008, the Board of Pharmacy (Boad) issued Pharmacy  
22 Technician Registration No. TCH 85892 to Antoinette Latrece Blue (Respondent). The Pharmacy  
23 Technician Registration was in full force and effect at all times relevant to the charges brought  
24 herein and will expire on April 30, 2014, 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 ///

1 STATUTORY PROVISIONS

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 reinstated.

5 5. Section 490 states, in pertinent part:

6 "(a) In addition to any other action that a board is permitted to take against a licensee, a  
7 board may suspend or revoke a license on the ground that the licensee has been convicted of a  
8 crime, if the crime is substantially related to the qualifications, functions, or duties of the business  
9 or profession for which the license was issued.

10 "(b) Notwithstanding any other provision of law, a board may exercise any authority to  
11 discipline a licensee for conviction of a crime that is independent of the authority granted under  
12 subdivision (a) only if the crime is substantially related to the qualifications, functions, or duties  
13 of the business or profession for which the licensee's license was issued.

14 "(c) A conviction within the meaning of this section means a plea or verdict of guilty or a  
15 conviction following a plea of nolo contendere. Any action that a board is permitted to take  
16 following the establishment of a conviction may be taken when the time for appeal has elapsed, or  
17 the judgment of conviction has been affirmed on appeal, or when an order granting probation is  
18 made suspending the imposition of sentence, irrespective of a subsequent order under the  
19 provisions of Section 1203.4 of the Penal Code. . . ."

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

22 7. Section 4301 states, in pertinent part:

23 "The board shall take action against any holder of a license who is guilty of unprofessional  
24 conduct or whose license has been procured by fraud or misrepresentation or issued by mistake.

25 Unprofessional conduct shall include, but is not limited to, any of the following:

26 . . . .

27 "(f) The commission of any act involving moral turpitude, dishonesty, fraud, deceit, or  
28 corruption, whether the act is committed in the course of relations as a licensee or otherwise, and

1 whether the act is a felony or misdemeanor or not.

2 "(g) Knowingly making or signing any certificate or other document that falsely represents  
3 the existence or nonexistence of a state of facts.

4 . . . .

5 "(l) The conviction of a crime substantially related to the qualifications, functions, and  
6 duties of a licensee under this chapter. . . ."

7 **REGULATORY PROVISION**

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

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

15 **COST RECOVERY**

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

19 **FIRST CAUSE FOR DISCIPLINE**

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

21 10. Respondent is subject to disciplinary action under sections 490, 4300 and 4301,  
22 subdivision (l), in conjunction with California Code of Regulations, title 16, section 1770, on the  
23 grounds of unprofessional conduct, in that Respondent was convicted of a substantially related  
24 crime, as follows:

25 a. On or about February 19, 2014, after pleading guilty, Respondent was convicted of  
26 one felony count of violating Penal Code sections 459-460, subdivision (d) [Second Degree  
27 Commercial Burglary] in the criminal proceeding entitled *The People of the State of California v.*  
28 *Antonette Latrece Blue* (Super. Ct. Orange County, No. IPD 12-07092). The Court sentenced

1 Respondent to 90 days in jail, placed her on three (3) years probation, ordered her to pay full  
2 restitution and additional fees and costs.

3 b. The circumstances underlying the conviction are that on or about May 27, 2012,  
4 Respondent entered a Target in Irvine, CA and made a purchase using fake American Express  
5 Cashier's checks. Respondent was subsequently arrested by the Irvine Police Department for  
6 violating Penal Code section 459 [burglary: second degree], Penal code section 475, subdivision  
7 (c) [possessing completed check with intent to defraud].

8 **SECOND CAUSE FOR DISCIPLINE**

9 **(Unprofessional Conduct/ Violation of Licensing Chapter)**

10 11. Respondent is subject to disciplinary action under section 4301, subdivision (o), in  
11 that Respondent committed acts of unprofessional conduct and/ or violated provisions of the  
12 licensing chapter. Complainant refers to, and by this reference incorporates, the allegations set  
13 forth above in paragraph 9, as though set forth fully.

14 **THIRD CAUSE FOR DISCIPLINE**

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

16 12. Respondent is subject to disciplinary action under sections 4300 and 4301,  
17 subdivision (f), on the grounds of unprofessional conduct, in that Respondent committed acts  
18 involving moral turpitude, dishonesty, fraud, deceit, or corruption. Complainant refers to and by  
19 this reference incorporates the allegations set forth above in paragraphs 9, as though set forth  
20 fully.

21 **PRAYER**

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

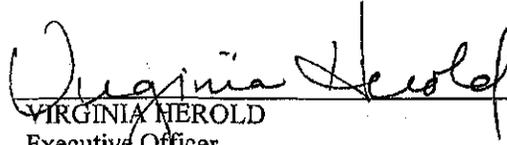
- 24 1. Revoking or suspending Pharmacy Technician Registration No. TCH 85892, issued to  
25 Antoinette Latrece Blue;
- 26 2. Ordering Antoinette Latrece Blue to pay the Board the reasonable costs of the  
27 investigation and enforcement of this case, pursuant to section 125.3; and  
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3. Taking such other and further action as deemed necessary and proper.

DATED:

5/3/14



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

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mc (10/15/13)