

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

In the Matter of the Accusation Against:

Case No. 4810

JEANINE GONZALES

P. O. Box 717
Mc Arthur, CA 96056

Pharmacy Technician Registration No.
TCH 30668

Respondent.

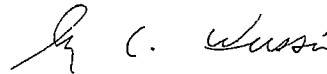
DECISION AND ORDER

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 December 17, 2013.

It is so ORDERED on December 13, 2013.

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 KENT D. HARRIS
Supervising Deputy Attorney General
3 STEPHANIE ALAMO-LATIF
Deputy Attorney General
4 State Bar No. 283580
1300 I Street, Suite 125
5 P.O. Box 944255
Sacramento, CA 94244-2550
6 Telephone: (916) 327-6819
Facsimile: (916) 327-8643
7 E-mail: Stephanie.AlamoLatif@doj.ca.gov
Attorneys for Complainant

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

11
12 In the Matter of the Accusation Against:

Case No. 4810

13 **JEANINE W. GONZALES**

14 P.O. Box 717
Mc Arthur, CA 96056

15 **Pharmacy Technician Registration No. TCH
30668**

**STIPULATED SURRENDER OF
LICENSE AND ORDER**

16
17 Respondent.

18
19 **IT IS HEREBY STIPULATED AND AGREED** by and between the parties to the above-
20 entitled proceedings 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 Stephanie Alamo-Latif, Deputy
25 Attorney General.

26 2. Jeanine W. Gonzales ("Respondent") is representing herself in this proceeding and
27 has chosen not to exercise her right to be represented by counsel.
28

1 3. On or about September 10, 1999, the Board of Pharmacy issued Pharmacy
2 Technician Registration No. TCH 30668 to Jeanine W. Gonzales. The Pharmacy Technician
3 Registration was in full force and effect at all times relevant to the charges brought in Accusation
4 No. 4810 and will expire on July 31, 2015, unless renewed.

5 **JURISDICTION**

6 4. Accusation No. 4810 was filed before the Board of Pharmacy ("Board"), Department
7 of Consumer Affairs, and is currently pending against Respondent. The Accusation and all other
8 statutorily required documents were properly served on Respondent on September 17, 2013.
9 Respondent timely filed her Notice of Defense contesting the Accusation. A copy of Accusation
10 No. 4810 is attached as Exhibit A and incorporated by reference.

11 **ADVISEMENT AND WAIVERS**

12 5. Respondent has carefully read, and understands the charges and allegations in
13 Accusation No. 4810. Respondent also has carefully read, and understands the effects of this
14 Stipulated Surrender of License and Order.

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

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

24 **CULPABILITY**

25 8. Respondent admits the truth of each and every charge and allegation in Accusation
26 No. 4810, agrees that cause exists for discipline and hereby surrenders her Pharmacy Technician
27 Registration No. TCH 30668 for the Board's formal acceptance.
28

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

4 CONTINGENCY

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

14 11. The parties understand and agree that Portable Document Format (PDF) and/or
15 electronic copies of this Stipulated Surrender of License and Order, including Portable Document
16 Format (PDF) and/or electronic signatures thereto, shall have the same force and effect as the
17 originals.

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

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

26 ∷

27 ∷

28 ∷

ORDER

IT IS HEREBY ORDERED that Pharmacy Technician Registration No. TCH 30668, issued to Respondent Jeanine W. Gonzales, is surrendered and accepted by the Board of Pharmacy.

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

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

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

4. If she ever applies for licensure or petitions for reinstatement in the State of California, the Board shall treat it as a new application for licensure. Respondent must comply with all the laws, regulations and procedures for licensure in effect at the time the application or petition is filed, and all of the charges and allegations contained in Accusation No. 4810 shall be deemed to be true, correct and admitted by Respondent when the Board determines whether to grant or deny the application or petition.

5. Respondent shall pay the agency its costs of investigation and enforcement pursuant to Business and Professions Code section 125.3 in the amount of \$880.00 prior to issuance of a new or reinstated license.

6. If Respondent should ever apply or reapply for a new license or certification, or petition for reinstatement of a license, by any other health care licensing agency in the State of California, all of the charges and allegations contained in Accusation, No. 4810 shall be deemed to be true, correct, and admitted by Respondent for the purpose of any Statement of Issues or any other proceeding seeking to deny or restrict licensure.

7. Respondent shall not apply for licensure or petition for reinstatement for three (3) years from the effective date of the Board of Pharmacy's Decision and Order.

\\

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

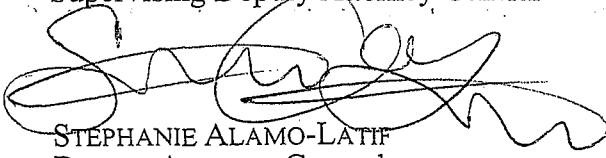
ACCEPTANCE

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: 10/11/2013 Jeanine W Gonzales
JEANINE W. GONZALES
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: 10/17/2013 Respectfully submitted,
KAMALA D. HARRIS
Attorney General of California
KENT D. HARRIS
Supervising Deputy Attorney General

STEPHANIE ALAMO-LATIF
Deputy Attorney General
Attorneys for Complainant

SA2013111856
11183913.doc

Exhibit A

Accusation No. 4810

1 KAMALA D. HARRIS
Attorney General of California
2 KENT D. HARRIS
Supervising Deputy Attorney General
3 STEPHANIE ALAMO-LATIF
Deputy Attorney General
4 State Bar No. 283580
1300 I Street, Suite 125
5 P.O. Box 944255
Sacramento, CA 94244-2550
6 Telephone: (916) 327-6819
Facsimile: (916) 327-8643
7 E-mail: Stephanie.AlamoLatif@doj.ca.gov
Attorneys for Complainant

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

12 In the Matter of the Accusation Against:

Case No. 4810

13 **JEANINE W. GONZALES,**
14 P.O. Box 717
Mc Arthur, CA 96056

ACCUSATION

15 **Pharmacy Technician Registration Number**
16 **TCH 30668**

17 Respondent.

18
19 Virginia Herold ("Complainant") alleges:

20 **PARTIES**

- 21 1. Complainant brings this Accusation solely in her official capacity as the Executive
22 Officer of the Board of Pharmacy, Department of Consumer Affairs.
- 23 2. On or about September 10, 1999, the Board of Pharmacy issued Pharmacy Technician
24 Registration Number TCH 30668 to Jeanine W. Gonzales ("Respondent"). The Pharmacy
25 Technician Registration was in full force and effect at all times relevant to the charges brought
26 herein and will expire on July 31, 2015, unless renewed.

27 ∴

28 ∴

1 JURISDICTION

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

5 4. Code Section 4300 provides, in pertinent part:

6 (a) Every license issued may be suspended or revoked.

7 5. Code Section 4300.1 provides, in pertinent part, that the expiration, cancellation,
8 forfeiture, or suspension of a board-issued license by operation of law or by order or decision of
9 the board or a court of law, shall not deprive the board of jurisdiction to commence or proceed
10 with any investigation of, or action or disciplinary proceeding against, the licensee or to render a
11 decision suspending or revoking the license.

12 STATUTORY PROVISIONS

13 6. Code Section 4306 provides, in pertinent part, that it shall constitute unprofessional
14 conduct and a violation of this chapter ("Pharmacy Law") for any person licensed under this
15 chapter to violate, attempt to violate, directly or indirectly, any provision or term of this article or
16 any regulations duly adopted under those laws.

17 7. Code Section 4301 provides, in pertinent part, that the Board shall take action against
18 any licensee who is guilty of unprofessional conduct, which is defined by Code section 4301 as
19 including, but not limited to, any of the following:

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

24 ...
25 "(l) The conviction of a crime substantially related to the qualifications, functions, and duties
26 of a licensee under this chapter."

27 ...

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 the
4 board or by any other state or federal regulatory agency.”

5 COST RECOVERY

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

10 FIRST CAUSE FOR DISCIPLINE

11 (Conviction of Crime)

12 9. Respondent is subject to discipline under Code section 4301, subdivision (l), for
13 unprofessional conduct, in that Respondent was convicted of the following crime which is
14 substantially related to the qualifications, functions or duties of a licensed pharmacy technician: On
15 or about January 29, 2013, in the case of *People v. Jeanine Wynn Gonzales* (Super. Ct. Shasta
16 County, Case No. 12 F 0008291), Respondent was convicted by the Court on her plea of guilty of
17 violating Penal Code section 487, subdivision (a) (Grand Theft by Embezzlement (\$28,000)), a
18 felony. The circumstances of the crime were as follows:

19 10. On and between August 10, 2012 and August 21, 2012, while working the overnight
20 shift as an assistant manager for Rite Aid, Respondent took envelopes of money from the store
21 safe which she had access to due to her position as assistant store manager. Respondent
22 embezzled a total of \$28,000 in cash from the store.

23 SECOND CAUSE FOR DISCIPLINE

24 (Dishonest/Corrupt Acts)

25 11. Respondent is subject to discipline under Code section 4301, subdivision (f), for
26 unprofessional conduct in that Respondent committed dishonest, deceitful, and corrupt acts by
27 embezzling \$28,000 while working as an assistant store manager at Rite Aid, as more fully set
28 forth in paragraphs 9 and 10 above.

1 THIRD CAUSE FOR DISCIPLINE

2 (Violating Laws and Regulations Governing Pharmacy)

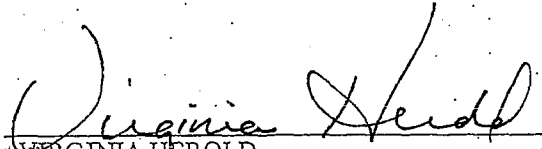
3 12. Respondent is subject to discipline for unprofessional conduct under Code sections
4 4306 and 4301, subdivision (o), in that Respondent violated the laws and regulations governing
5 pharmacy, as more fully set forth in paragraphs 9 through 11 above.

6 PRAYER

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

- 9 1. Revoking or suspending Pharmacy Technician Registration Number TCH 30668,
10 issued to Jeanine W. Gonzales;
- 11 2. Ordering Jeanine W. Gonzales to pay the Board of Pharmacy the reasonable costs of
12 the investigation and enforcement of this case, pursuant to Business and Professions Code section
13 125.3; and
- 14 3. Taking such other and further action as deemed necessary and proper.

15
16
17 DATED: 9/6/13


18 VIRGINIA HEROLD
19 Executive Officer
20 Board of Pharmacy
21 Department of Consumer Affairs
22 State of California
23 Complainant

24
25
26
27
28 SA2013111856
11139422.doc