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

In the Matter of the Accusation Against:
JAMIE CHRISTINA WEIND
1101 Gilman Ave.
San Francisco, CA 94124
Pharmacy Technician Registration No. TCH
96608
Designated Representative Certificate No.
EXC 21963

Respondent.

Case No. 5398

DEFAULT DECISION AND ORDER

[Gov. Code, §11520]

FINDINGS OF FACT

1. On or about May 9, 2015, Complainant Virginia K. Herold, in her official capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs, filed Accusation No. 5398 against Jamie Christina Weind (Respondent) before the Board of Pharmacy. (Accusation attached as Exhibit A.)
2. On or about July 16, 2010, the Board of Pharmacy (Board) issued Pharmacy Technician Registration No. TCH 96608 to Respondent. The Pharmacy Technician Registration was in full force and effect at all times relevant to the charges brought in Accusation No. 5398 and will expire on February 29, 2016, unless renewed.

1 3. On or about October 23, 2012, the Board issued Designated Representative
2 Certificate No. EXC 21963 to Respondent. The Designated Representative Certificate was in full
3 force and effect at all times relevant to the charges brought in Accusation No. 5398 and will
4 expire on October 1, 2016, unless renewed.

5 4. On or about October 21, 2015, Respondent was served by Certified and First Class
6 Mail copies of the Accusation No. 5398, Statement to Respondent, Notice of Defense, Request
7 for Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6, and
8 11507.7), at Respondent's address of record which, pursuant to Business and Professions Code
9 section 4100, is required to be reported and maintained with the Board. Respondent's address of
10 record was and is:

11 1101 Gilman Ave.
12 San Francisco, CA 94124.

13 5. Additionally, Respondent was served copies of the aforementioned documents at
14 Respondent's prior address of record, which was:

15 8925 Lawlor Street
16 Oakland, CA 94605.

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

19 7. On or about January 21, 2016, the aforementioned documents were returned by the
20 U.S. Postal Service marked "Return to Sender, Unclaimed, Unable to Forward, Return to Sender."
21 The address on the documents was the same as the address on file with the Board. Respondent
22 failed to maintain an updated address with the Board, and the Board has made attempts to serve
23 the Respondent at the address on file. Respondent has not made herself available for service and,
24 therefore, has not availed herself of her right to file a notice of defense and appear at hearing.

25 8. Government Code section 11506 states, in pertinent part:

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

1 b. Violation of Code section 4301(k), in that Respondent was convicted of more than
2 one misdemeanor or any felony involving the use, consumption, or self-administration of
3 alcoholic beverages, a dangerous drug, or a combination thereof.

4 c. Violation of Code section 4301(h), in that Respondent used alcohol or a dangerous
5 drug to an extent or in a manner dangerous or injurious to herself, to another person, or to the
6 public.

7 ORDER

8 IT IS ORDERED that Pharmacy Technician Registration No. TCH 96608, heretofore
9 issued to Respondent Jamie Christina Weind, is revoked.

10 IT IS FURTHER ORDERED that Designated Representative Certificate EXC 21963,
11 heretofore issued to Respondent Jamie Christina Weind, is revoked.

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

16 This Decision shall become effective at 5:00 p.m. on August 22, 2016.

17 It is so ORDERED on July 21, 2016.

18 BOARD OF PHARMACY
19 DEPARTMENT OF CONSUMER AFFAIRS
20 STATE OF CALIFORNIA

21 

22
23 By

24 _____
25 Amy Gutierrez, Pharm.D.
26 Board President

27 41397653.DOC
28 DOJ Matter ID:SF2015400877

Attachment:
Exhibit A: Accusation

Exhibit A

Accusation

(JAMIE CHRISTINA WEIND)

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6 Facsimile: (415) 703-5480
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. 5398

11 **JAMIE CHRISTINA WEIND**
12 **8925 Lawlor Street**
13 **Oakland, CA 94605**

ACCUSATION

14 **Pharmacy Technician Registration No. TCH**
96608
15 **Designated Representative Certificate No.**
EXC 21963

16 Respondent.

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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 July 16, 2010, the Board of Pharmacy issued Pharmacy Technician
23 Registration Number TCH 96608 to Jamie Christina Weind (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 February 29, 2016, unless renewed.

26 3. On or about October 23, 2012, the Board of Pharmacy issued Designated
27 Representative Certificate Number EXC 21963 to Respondent. The Designated Representative
28

1 Certificate was in full force and effect at all times relevant to the charges brought herein and will
2 expire on October 1, 2015, unless renewed.

3 **JURISDICTION**

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

7 5. Section 4300 of the Code states:

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

9 "(b) The board shall discipline the holder of any license issued by the board, whose default
10 has been entered or whose case has been heard by the board and found guilty, by any of the
11 following methods:

12 "(1) Suspending judgment.

13 "(2) Placing him or her upon probation.

14 "(3) Suspending his or her right to practice for a period not exceeding one year.

15 "(4) Revoking his or her license.

16 "(5) Taking any other action in relation to disciplining him or her as the board in its
17 discretion may deem proper.

18 ". . . .

19 "(e) The proceedings under this article shall be conducted in accordance with Chapter 5
20 (commencing with Section 11500) of Part 1 of Division 3 of the Government Code, and the board
21 shall have all the powers granted therein. The action shall be final, except that the propriety of the
22 action is subject to review by the superior court pursuant to Section 1094.5 of the Code of Civil
23 Procedure."

24 6. Section 4300.1 of the Code provides that the expiration, cancellation, forfeiture, or
25 suspension of a license, or the placement of a license on retired status, or the voluntary surrender
26 of a license, shall not deprive the Board of jurisdiction to commence or proceed with a
27 disciplinary action or to render a decision suspending or revoking a license.

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1 suspending the imposition of sentence, irrespective of a subsequent order under Section 1203.4 of
2 the Penal Code allowing the person to withdraw his or her plea of guilty and to enter a plea of not
3 guilty, or setting aside the verdict of guilty, or dismissing the accusation, information, or
4 indictment.

5"

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

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

13 9. Section 490, subdivision (a), of the Code states:

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

18 COSTS

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

23 DRUGS

24 11. Benzodiazepines are psychoactive drugs with anxiolytic, sedative, and muscle-
25 relaxing properties, are controlled substances pursuant to Code section 4021 and Health and
26 Safety Code section 11057(d), and are dangerous drugs pursuant to Code section 4022.

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1 **FIRST CAUSE FOR DISCIPLINE**

2 **(Substantially-Related Conviction)**

3 12. Respondent is subject to disciplinary action under Code sections 490, subdivision (a),
4 and 4301, subdivision (l), in that Respondent was convicted of an offense substantially related to
5 the qualifications, functions, or duties of a licensee.

6 13. On or about September 5, 2014, in the Superior Court of California for the County of
7 Alameda, in the case entitled *The People of the State of California v. Weind, Jamie Christina*,
8 Case No. 149127, Respondent pled no contest to and was convicted of violating California
9 Vehicle Code section 23152, subdivision (e) (driving under the influence of a drug), a
10 misdemeanor, with one prior offense. Respondent's prior conviction, on August 11, 2009, was a
11 misdemeanor conviction under Vehicle Code section 23152, subdivision (b) (driving with greater
12 than .08% blood alcohol content).

13 14. The circumstances of the September 5, 2014 conviction were that on or about June
14 11, 2014, Respondent was driving on I-580 with her 3-year old in the car when she struck another
15 vehicle from behind. The collision, which occurred at a high rate of speed, caused the other car to
16 spin out and collide with the jersey wall. Respondent fled the scene. When police stopped
17 Respondent several miles away, Respondent displayed objective signs of intoxication. A blood
18 test given to Respondent was positive for benzodiazepines.

19 **SECOND CAUSE FOR DISCIPLINE**

20 **(Second Drug or Alcohol Related Conviction)**

21 15. Respondent is subject to disciplinary action under Code section 4301, subdivision (k),
22 in that Respondent was convicted of more than one misdemeanor or any felony involving the use,
23 consumption, or self-administration of alcoholic beverages, a dangerous drug, or a combination
24 thereof. The circumstances are described above in the First Cause for Discipline.

25 **THIRD CAUSE FOR DISCIPLINE**

26 **(Dangerous Use of Dangerous Drug)**

27 16. Respondent is subject to disciplinary action under Code section 4301, subdivision (h),
28 in that Respondent used alcohol or a dangerous drug to the extent or in a manner dangerous to

1 herself, to another person, or to the public. The circumstances are described above in the First
2 Cause for Discipline.

3 **PRAYER**

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

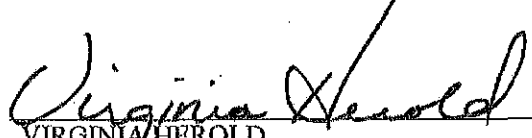
6 1. Revoking or suspending Pharmacy Technician Registration Number TCH 96608,
7 issued to Jamie Christina Weind;

8 2. Revoking or suspending Designated Representative Certificate Number EXC 21963,
9 issued to Jamie Christina Weind;

10 3. Ordering Jamie Christina Weind to pay the Board of Pharmacy the reasonable costs of
11 the investigation and enforcement of this case, pursuant to Business and Professions Code section
12 125.3;

13 4. Taking such other and further action as deemed necessary and proper.

14
15 DATED: 5/9/15



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

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