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

In the Matter of the Accusation Against:

**TAMEKA M. JANEWAY
2501 E. Cliff Drive
Santa Cruz, CA 95062**

**Pharmacy Technician License No. TCH
34800**

Respondent.

Case No. 5448

DEFAULT DECISION AND ORDER

[Gov. Code, §11520]

FINDINGS OF FACT

1. On or about October 6, 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. 5448 against Tameka M. Janeway (Respondent) before the Board of Pharmacy. (Accusation attached as Exhibit A.)

2. On or about October 3, 2000, the Board of Pharmacy (Board) issued Pharmacy Technician License No. TCH 34800 to Respondent. The Pharmacy Technician License was in full force and effect at all times relevant to the charges brought in Accusation No. 5448 and will expire on May 31, 2016, unless renewed.

1 3. On or about November 11, 2015, Respondent was served by Certified and First Class
2 Mail copies of the Accusation No. 5448, Statement to Respondent, Notice of Defense, Request
3 for Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6, and
4 11507.7) at Respondent's address of record which, pursuant to Business and Professions Code
5 section 4100, is required to be reported and maintained with the Board. Respondent's address of
6 record was and is: 2501 E. Cliff Drive, Santa Cruz, CA 95062.

7 4. Service of the Accusation was effective as a matter of law under the provisions of
8 Government Code section 11505, subdivision (c) and/or Business & Professions Code section
9 124.

10 5. Respondent failed to file a Notice of Defense within 15 days after service upon her of
11 the Accusation, and therefore waived her right to a hearing on the merits of Accusation No. 5448.

12 6. California Government Code section 11520 states, in pertinent part:

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

17 7. Pursuant to its authority under Government Code section 11520, the Board finds
18 Respondent is in default. The Board will take action without further hearing and, based on the
19 relevant evidence contained in the Default Decision Evidence Packet in this matter, as well as
20 taking official notice of all the investigatory reports, exhibits and statements contained on file at
21 the Board's offices regarding the allegations contained in Accusation No. 5448, finds that the
22 charges and allegations in Accusation No. 5448, are separately and severally, found to be true and
23 correct by clear and convincing evidence.

24 8. Taking official notice of its own internal records, pursuant to Business and
25 Professions Code section 125.3, it is hereby determined that the reasonable costs for Investigation
26 and Enforcement is \$860.00 as of December 6, 2015.

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1 DETERMINATION OF ISSUES

2 1. Based on the foregoing findings of fact, Respondent Tameka M. Janeway has
3 subjected her Pharmacy Technician License No. TCH 34800 to discipline.

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

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

8 a. Business and Professions Code section 4301, subdivision (l) (substantially-related
9 conviction;

10 b. Business and Professions Code section 4301, subdivision (h) (self-administration of
11 Alcoholic Beverages).

12 ORDER

13 IT IS SO ORDERED that Pharmacy Technician License No. TCH 34800, issued to
14 Respondent Tameka M. Janeway, is revoked.

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

19 This Decision shall become effective on February 19, 2016.

20 It is so ORDERED on January 20, 2016.

21 BOARD OF PHARMACY
22 DEPARTMENT OF CONSUMER AFFAIRS
23 STATE OF CALIFORNIA

24 

25
26 By _____

27 Amy Gutierrez, Pharm.D.
28 Board President

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Attachment:
Exhibit A: Accusation

Exhibit A

Accusation

(TAMEKA M. JANEWAY)

1 KAMALA D. HARRIS
Attorney General of California
2 DIANN SOKOLOFF
Supervising Deputy Attorney General
3 GREGORY TUSS
Deputy Attorney General
4 State Bar No. 200659
1515 Clay Street, 20th Floor
5 Post Office Box 70550
Oakland, California 94612-0550
6 Telephone: (510) 622-2143
Facsimile: (510) 622-2270
7 *Attorneys for Complainant*

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

11 In the Matter of the Accusation Against:

Case No. 5448

12 **TAMEKA M. JANEWAY**
a.k.a. Tameka Marie Janeway
13 2501 East Cliff Drive
Santa Cruz, California 95062

ACCUSATION

14 **Pharmacy Technician License No. TCH 34800,**
15 **Respondent.**
16

17 Complainant Virginia Herold alleges:
18

19 **I. PARTIES**

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

22 2. On or about October 3, 2000, the Board of Pharmacy issued Pharmacy Technician
23 License No. TCH 34800 to respondent Tameka M. Janeway, a.k.a. Tameka Marie Janeway. This
24 pharmacy technician license was in full force and effect at all times relevant to the charges
25 brought in this accusation and will expire on May 31, 2016, unless renewed.

26 **II. 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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4. Section 4300 states in part:

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

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

“(1) Suspending judgment.

“(2) Placing him or her upon probation.

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

“(4) Revoking his or her license.

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

5. Section 4300.1 states:

“The expiration, cancellation, forfeiture, or suspension of a board-issued license by operation of law or by order or decision of the board or a court of law, the placement of a license on a retired status, or the voluntary surrender of a license by a licensee shall not deprive the board of jurisdiction to commence or proceed with any investigation of, or action or disciplinary proceeding against, the licensee or to render a decision suspending or revoking the license.”

III. STATUTORY AND REGULATORY AUTHORITY

6. Section 490, subdivision (a), states:

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

7. Section 4301 states in part:

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

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

...

“(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.”

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

“For the purpose of denial, suspension, or revocation of a personal or facility license pursuant to Division 1.5 (commencing with Section 475) of the Business and Professions Code, a crime or act shall be considered substantially related to the qualifications, functions or duties of a

1 licensee or registrant if to a substantial degree it evidences present or potential unfitness of a
2 licensee or registrant to perform the functions authorized by his license or registration in a manner
3 consistent with the public health, safety, or welfare.”

4 IV. COST RECOVERY

5 9. Section 125.3, subdivision (a), states:

6 “Except as otherwise provided by law, in any order issued in resolution of a disciplinary
7 proceeding before any board within the department or before the Osteopathic Medical Board,
8 upon request of the entity bringing the proceedings, the administrative law judge may direct a
9 licentiate found to have committed a violation or violations of the licensing act to pay a sum not
10 to exceed the reasonable costs of the investigation and enforcement of the case.”

11 V. FACTUAL BACKGROUND

12 10. On November 4, 2014, at about 8:25 p.m., a highway patrol officer responded to a
13 report of a person was shining a flashlight at passing motorists from a vehicle parked on the side
14 of the interstate in Ontario, California. Respondent was laying across the seats in the vehicle.
15 She said she had run out of gas; she also admitted to drinking nearly a bottle of wine in about an
16 hour. Her blood alcohol concentrations were measured at 0.27 at 9:55 p.m. and 0.29 at 9:57 p.m.

17 11. On or about February 10, 2015, in *People of the State of California v. Tameka*
18 *Marie Janeway*, San Bernardino County Superior Court Case No: TWV1403332, respondent pled
19 no contest to driving under the influence with greater than 0.08 percent alcohol (Veh. Code,
20 § 23152, subd. (b)), a misdemeanor. Respondent was placed on three years' probation, and
21 ordered to attend a nine-month driving under the influence program and serve 10 days'
22 incarceration.

23 VI. CAUSES FOR DISCIPLINE

24 First Cause for Discipline Conviction

25 Business and Professions Code section 490, subdivision (a)

26 12. The allegations of paragraphs 10 and 11 are realleged and incorporated by
27 reference as if fully set forth.

28 13. Respondent has subjected her pharmacy technician license to discipline for being

1 convicted of a crime substantially related to the qualifications, functions, or duties of a pharmacy
2 technician (Bus. & Prof. Code, § 490, subd. (a)). Respondent pled no contest to driving under the
3 influence with greater than 0.08 percent alcohol (Veh. Code, § 23152, subd. (b)), a misdemeanor.

4 **Second Cause for Discipline**
5 **Unprofessional Conduct: Conviction**
6 **Business and Professions Code section 4301, subdivision (l)**

7 14. The allegations of paragraphs 10 and 11 are realleged and incorporated by
8 reference as if fully set forth.

9 15. Respondent has subjected her pharmacy technician license to discipline for the
10 unprofessional conduct of being convicted of a crime substantially related to the qualifications,
11 functions, or duties of a pharmacy technician (Bus. & Prof. Code, § 4301, subd. (l)). Respondent
12 pled no contest to driving under the influence with greater than 0.08 percent alcohol (Veh. Code,
13 § 23152, subd. (b)), a misdemeanor.

14 **Third Cause for Discipline**
15 **Unprofessional Conduct: Self-administration of Alcoholic Beverages**
16 **Causing Danger, Injury, or Unsafe Practice**
17 **Business and Professions Code section 4301, subdivision (h)**

18 16. The allegations of paragraphs 10-11 are realleged and incorporated by reference as
19 if fully set forth.

20 17. Respondent has subjected her pharmacy technician license to discipline for the
21 unprofessional conduct of using alcoholic beverages to the extent or in a manner as to be
22 dangerous or injurious to herself, to any other person or to the public, or to the extent that the use
23 impaired her ability to conduct with safety to the public the practice of a pharmacy technician
24 (Bus. & Prof. Code, § 4301, subd. (h)). Respondent operated a vehicle with a blood alcohol
25 content of greater than 0.08 percent and pled no contest to driving under the influence with greater
26 than 0.08 percent alcohol (Veh. Code, § 23152, subd. (b)), a misdemeanor.

27 **VII. PRAYER**

28 WHEREFORE, complainant requests that a hearing be held on the matters alleged in this
accusation, and that following the hearing, the Board of Pharmacy issues a decision:

1. Revoking or suspending Pharmacy Technician License No. TCH 34800 issued to

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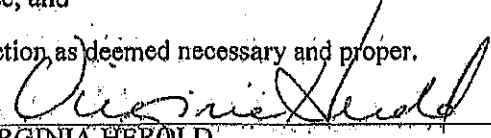
respondent Tameka M. Janeway, a.k.a. Tameka Marie Janeway;

2. Ordering respondent Tameka M. Janeway, a.k.a. Tameka Marie Janeway, under Business and Professions Code section 125.3 to pay the Board of Pharmacy the reasonable costs of the investigation and enforcement of this case; and

3. Taking such other and further action as deemed necessary and proper.

DATED:

10/6/15



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

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