

1
2
3
4
5
6
7
8 **BEFORE THE**
9 **BOARD OF PHARMACY**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 6794

13 **FABIOLA GERMAN**
14 **31530 Whispering Palms**
Cathedral City, CA 92234

DEFAULT DECISION AND ORDER

15 **Pharmacy Technician Registration No. TCH**
16 **48667**

[Gov. Code, §11520]

17 Respondent.

18
19 **FINDINGS OF FACT**

20 1. On or about February 26, 2020, Complainant Anne Sodergren, in her official capacity
21 as the Executive Officer of the Board of Pharmacy (Board), Department of Consumer Affairs,
22 filed Accusation No. 6794 against Fabiola German (Respondent) before the Board. (Accusation
23 attached as Exhibit A.)

24 2. On or about July 1, 2003, the Board issued Pharmacy Technician Registration No.
25 TCH 48667 to Respondent. The Pharmacy Technician Registration was in full force and effect at
26 all times relevant to the charges brought in Accusation No. 6794 and will expire on September
27 30, 2020, unless renewed.

28 ///

1 3. On or about February 28, 2020, Respondent was served by Certified and First Class
2 Mail copies of the Accusation No. 6794, 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: 31530 Whispering Palms, Cathedral City, CA 92234.

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

9 5. Government Code section 11506(c) states, in pertinent part:

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

15 6. The Board takes official notice of its records and the fact that Respondent failed to
16 file a Notice of Defense within 15 days after service upon her of the Accusation, and therefore
17 waived her right to a hearing on the merits of Accusation No. 6794.

18 7. California Government Code section 11520(a) states, in pertinent part:

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

23 8. Pursuant to its authority under Government Code section 11520, the Board finds
24 Respondent is in default. The Board will take action without further hearing and, based on the
25 relevant evidence contained in the Default Decision Investigatory Evidence Packet in this matter,
26 as well as taking official notice of all the investigatory reports, exhibits and statements contained
27 therein on file at the Board's offices regarding the allegations contained in Accusation No. 6794,
28 finds that the charges and allegations in Accusation No. 6794, are separately and severally, found
to be true and correct by clear and convincing evidence.

 9. The Board finds that the actual costs for Investigation and Enforcement are
\$17,639.75 as of May 6, 2020.

DETERMINATION OF ISSUES

1. Based on the foregoing findings of fact, Respondent Fabiola German has subjected her Pharmacy Technician Registration No. TCH 48667 to discipline.

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

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

a. Respondent is subject to disciplinary action under Code section 4301, subdivision (f) on the grounds of unprofessional conduct in that Respondent committed acts of moral turpitude, dishonesty, fraud, deceit, or corruption.

b. Respondent is subject to disciplinary action under Code section 4301, subdivision (g), in that Respondent knowingly made or signed a document that falsely represented a state of facts.

c. Respondent is subject to disciplinary action under Code section 4301(f) in that Respondent committed acts involving moral turpitude, dishonesty, fraud, deceit or corruption.

d. Respondent is subject to disciplinary action under Code section 4301, subdivision (h).

e. Respondent is subject to disciplinary action for unprofessional conduct under section 4301(f), in that on or about September 24, 2019, Respondent was arrested for violations of Penal Code sections 487, subdivision (a) [grand theft, \$950 or more], and 530.5 subdivision (a) [false personation]. The circumstances of the September 24, 2019, arrest are as follows.

1. On or about April 3, 2019, a Riverside County Sheriff's Deputy investigated a report of fraud stemming from unauthorized charged made to fraud victim 1's (Victim 1) bank account. It is believed that the charges were made after Respondent accessed Victim 1's bank account after Victim 1 hired Respondent's company "Jumper Zone" and paid for the services by check. Following tendering a check to "Jumper Zone," Victim 1 discovered at least twenty-five (25) unauthorized charges to the bank account associated with check made to "Jumper Zone." The unauthorized charges were made under the names "Fabiola," "Fabiola Romero," or "Fabiola Torres," for a combined amount of \$4,428.98.

1 2. On or about July 2, 2019, a Riverside County Sheriff's Deputy followed up on
2 the investigation that began with victim 1's April 2, 2019 report. The Deputy's follow up
3 investigation revealed another incident report that also listed Respondent as a suspect in an
4 incident report for fraud, dated June 4, 2018. In the June 4, 2018 incident report, a Riverside
5 County Sheriff's Deputy investigated a report of fraud stemming from unauthorized charged
6 made to fraud victim 2's (Victim 2) bank account. Victim 2 hired Respondent's company
7 "Jumper Zone" and paid for the services by check. Following tendering a check to "Jumper
8 Zone," Victim 2 discovered approximately five (5) unauthorized charges to the bank account
9 associated with check made to "Jumper Zone." The unauthorized charges were made under the
10 names "Fabiola Romero."

11 3. On or about July 9, 2019, a Riverside County Sheriff's Deputy obtained search
12 warrants signed by a Riverside County Superior Court Judge for records from the companies
13 where the unauthorized charges from victim 2's account had been made. On or about August 12,
14 2019, and September 9, 2019, the Deputy received documents produced pursuant to the warrants.
15 The documents tied the unauthorized charges to an Internet Protocol (IP) address that was
16 registered to Respondent's residential address. On or about September 24, 2019, the Deputy
17 traveled to Respondent's residence and made contact with Respondent. Respondent was then
18 detained and transported to the Palm Desert Sheriff's Station where Respondent was interviewed
19 by the Deputy. During the interview Respondent made statements that allowed the Deputy to
20 connect Respondent to the unauthorized charges made from victim 1 and victim 2's bank
21 accounts, totaling \$4,428.98. Respondent was then booked into the Riverside County Jail in
22 Indio, CA for violations of Penal Code sections 487, subdivision (a) [grand theft, \$950 or more],
23 and 530.5 subdivision (a) [false personation]. Respondent's criminal case associated with these
24 charges is ongoing.

25 ///

26 ///

27 ///

28 ///

ORDER


IT IS SO ORDERED that Pharmacy Technician Registration No. TCH 48667, issued to Respondent Fabiola German, is revoked.

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

This Decision shall become effective at 5:00 p.m. on July 29, 2020.

It is so ORDERED on June 29, 2020.

FOR THE BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS

By 

Greg Lippe
Board President

34047813.DOCX
DOJ Matter ID:SD2019702193

Attachment:
Exhibit A: Accusation

Exhibit A

Accusation

1 XAVIER BECERRA
Attorney General of California
2 GREGORY J. SALUTE
Supervising Deputy Attorney General
3 ROBERT TOMLIN WHITE
Deputy Attorney General
4 State Bar No. 222504
600 West Broadway, Suite 1800
5 San Diego, CA 92101
P.O. Box 85266
6 San Diego, CA 92186-5266
Telephone: (619) 738-9608
7 Facsimile: (619) 645-2061
Attorneys for Complainant

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

13 In the Matter of the Accusation Against:

Case No. 6794

14 **FABIOLA GERMAN**
15 **31530 Whispering Palms**
Cathedral City, CA 92234

ACCUSATION

16 **Pharmacy Technician Registration No. TCH**
17 **48667**

Respondent.

19
20 **PARTIES**

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

23 2. On or about July 1, 2003, the Board of Pharmacy issued Pharmacy Technician
24 Registration Number TCH 48667 to Fabiola German (Respondent). The Pharmacy Technician
25 Registration was in full force and effect at all times relevant to the charges brought herein and
26 will expire on September 30, 2020, 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 (Code) unless otherwise indicated.

5 **STATUTORY PROVISIONS**

6 4. Section 4300 of the Code states:

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

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

10 (1) Suspending judgment.

11 (2) Placing him or her upon probation.

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

13 (4) Revoking his or her license.

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

16 (c) The board may refuse a license to any applicant guilty of unprofessional
conduct. The board may, in its sole discretion, issue a probationary license to any
17 applicant for a license who is guilty of unprofessional conduct and who has met all
other requirements for licensure. The board may issue the license subject to any
18 terms or conditions not contrary to public policy, including, but not limited to, the
following:

19 (1) Medical or psychiatric evaluation.

20 (2) Continuing medical or psychiatric treatment.

21 (3) Restriction of type or circumstances of practice.

22 (4) Continuing participation in a board-approved rehabilitation program.

23 (5) Abstention from the use of alcohol or drugs.

24 (6) Random fluid testing for alcohol or drugs.

25 (7) Compliance with laws and regulations governing the practice of pharmacy.

26 (d) The board may initiate disciplinary proceedings to revoke or suspend any
probationary certificate of licensure for any violation of the terms and conditions of
27 probation. Upon satisfactory completion of probation, the board shall convert the
probationary certificate to a regular certificate, free of conditions.
28

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

5. Section 4300.1 of the Code 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

6. Section 4059 of the Code states:

(a) A person may not furnish any dangerous drug, except upon the prescription of a physician, dentist, podiatrist, optometrist, veterinarian, or naturopathic doctor pursuant to Section 3640.7. A person may not furnish any dangerous device, except upon the prescription of a physician, dentist, podiatrist, optometrist, veterinarian, or naturopathic doctor pursuant to Section 3640.7.

....

7. Section 4060 of the Code states:

No person shall possess any controlled substance, except that furnished to a person upon the prescription of a physician, dentist, podiatrist, optometrist, veterinarian, or naturopathic doctor pursuant to Section 3640.7, or furnished pursuant to a drug order issued by a certified nurse-midwife pursuant to Section 2746.51, a nurse practitioner pursuant to Section 2836.1, or a physician assistant pursuant to Section 3502.1, or naturopathic doctor pursuant to Section 3640.5, or a pharmacist pursuant to either subparagraph (D) of paragraph (4) of, or clause (iv) of subparagraph (A) of paragraph (5) of, subdivision (a) of Section 4052. This section shall not apply to the possession of any controlled substance by a manufacturer, wholesaler, pharmacy, pharmacist, physician, podiatrist, dentist, optometrist, veterinarian, naturopathic doctor, certified nurse-midwife, nurse practitioner, or physician assistant, when in stock in containers correctly labeled with the name and address of the supplier or producer.

Nothing in this section authorizes a certified nurse-midwife, a nurse practitioner, a physician assistant, or a naturopathic doctor, to order his or her own stock of dangerous drugs and devices.

8. Section 4301 of the Code states:

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

....

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

licensee or otherwise, and whether the act is a felony or misdemeanor or not.

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

(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.

....

(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. . .

9. Section 4323 of the Code states:

Every person who, in order to obtain any drug, falsely represents himself or herself to be a physician or other person who can lawfully prescribe the drug, or falsely represents that he or she is acting on behalf of a person who can lawfully prescribe the drug, in a telephone or electronic communication with a pharmacist, shall be punished by imprisonment in the county jail for not more than one year.

10. Section 4324 of the Code states:

(a) Every person who signs the name of another, or of a fictitious person, or falsely makes, alters, forges, utters, publishes, passes, or attempts to pass, as genuine, any prescription for any drugs is guilty of forgery and upon conviction thereof shall be punished by imprisonment in the state prison, or by imprisonment in the county jail for not more than one year.

(b) Every person who has in his or her possession any drugs secured by a forged prescription shall be punished by imprisonment in the state prison, or by imprisonment in the county jail for not more than one year.

11. Health and Safety Code section 11170 states that no person shall prescribe, administer, or furnish a controlled substance for himself.

12. Health and Safety Code section 11173, subdivision (a) states:

No person shall obtain or attempt to obtain controlled substances, or procure or attempt to procure the administration of or prescription for controlled substances, (1) by fraud, deceit, misrepresentation, or subterfuge; or (2) by the concealment of a material fact.

13. Health and Safety Code section 11174 states:

No person shall, in connection with the prescribing, furnishing, administering, or dispensing of a controlled substance, give a false name or false address.

1 14. United States Code, title 21, section 843, subdivision (a)(3) states:

2 (a) It shall be unlawful for any person knowingly or intentionally – (3) to acquire
3 or obtain possession of a controlled substance by misrepresentation, fraud, forgery,
deception, or subterfuge.

4 **COST RECOVERY**

5 15. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
6 administrative law judge to direct a licentiate found to have committed a violation or violations of
7 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
8 enforcement of the case, with failure of the licentiate to comply subjecting the license to not being
9 renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be
10 included in a stipulated settlement.

11 **DEFINITIONS**

12 16. Alprazolam, sold under the brand name Xanax, is a dangerous drug as defined by Code
13 section 4022 and is a Schedule IV controlled substance pursuant to Health and Safety Code
14 section 11057(d)(1). It is used to treat anxiety.

15 17. Acetaminophen with Codeine, sold under the brand name Tylenol with Codeine is a
16 controlled substance under Health and Safety Code section 11056, subdivision (e)(2) and a
17 dangerous drug under Code section 4022. It is an opioid analgesic used for the relief of mild to
18 moderate pain.

19 18. Clonazepam (Klonopin) is an anticonvulsant primarily used in the treatment of
20 seizure disorders, it may also be used for relief of anxiety; it is a member of a class of drug known
21 as benzodiazepines. It is a Schedule IV controlled substance as defined in Health and Safety
22 Code section 11057(d)(7) and a dangerous drug according to Business and Professions Code
23 section 4022.

24 **FACTUAL ALLEGATIONS**

25 19. On or about January 4, 2018, the Board received a complaint from SM, the lead
26 pharmacy technician for CVS Pharmacy, (CVS) located in Cathedral City, California. The
27 complaint alleged that Respondent would telephone the pharmacy, using slightly different names,
28 and the name of another individual, and place fraudulent prescriptions.

1 20. On or about January 3, 2018, and January 4, 2018, CVS called to verify Respondent's
2 oral prescriptions submitted for "Fabiola Torres," with a specific date of birth. CVS was notified
3 that the prescriber did not authorize the prescriptions. The phone number listed on both
4 prescriptions was for Family Hospice Care (FHC). During the course of their investigation into
5 the validity of the prescriptions, CVS was able to determine that "Fabiola Torres" is a name used
6 by Respondent, and that the address listed for the "Fabiola Torres" is the same as Respondent's
7 address. The pharmacy staff was further able to determine that Respondent would frequently call
8 in prescriptions for "Fabiola Torres" and for "Juan Carlos Lopez," with different dates of birth for
9 the prescriptions. Respondent would leave voice mail messages for the pharmacist and paid for
10 the prescriptions in cash. CVS became aware of Respondent's activities when CVS technician IP
11 recognized Respondent's voice on one message, and were unable to confirm the prescription. IP
12 stated that Respondent would receive prescriptions under the name "Fabiola Torres" or "German
13 Fabiola," with a specific date of birth given. Both names were associated with the same address
14 as Respondent.

15 21. As part of the Board's investigation, the Board obtained the CURES report for
16 "Fabiola Torres," "Juan Carlos Lopez," Respondent, and anyone associated with Respondent's
17 physical address. The CURES report reflected that Respondent had multiple dates of birth. The
18 report also showed Respondent obtained a high rate of prescriptions from CVS and from the
19 Walgreens, located at 3375 Date Palm Drive, Cathedral City, California.

20 22. The Board assigned Investigator ED to review the CURES reports and interview the
21 pharmacies associated with Respondent's CURES reports. Investigator ED contacted a random
22 sampling of physicians who had records of controlled substances dispensed to Respondent. All
23 physicians denied authorizing the prescriptions associated to Respondent.

24 23. Investigator ED contacted Walgreens and was able to determine the following:

25 a. Respondent was employed with Walgreens from March 17, 2016 through
26 approximately March 8, 2017.

27 b. On or about February 23, 2017, LK, the Senior Manager of Operations for the
28 Sovereign Health Care Group (SHG) contacted GM to inform that his credit card was used

1 without authorization on February 17, 2017, and February 21, 2017 in an amount totaling
2 \$600.00. LK further stated that SHG no longer used Walgreens to fill prescriptions.

3 c. On February 17, 2017, prescription numbers 2000291 and 2001248 were sold by
4 Pharmacist Bo Le (RPH Le) to Respondent at the drive thru window. RPH Le later was
5 interviewed by Walgreens regarding the transaction and selling the prescription to Respondent.
6 On February 21, 2017, prescription numbers 2000291 (sold the second time) and \$600 in gift-
7 cards were sold by Respondent to a patient at the drive thru window (which was documented on
8 video. After researching prescription number 2000291, it was determined that this prescription
9 number belonged to AR who is Respondent's sister. AR's prescription profile had LK's credit
10 card stored, which was later deleted.

11 d. On or about February 24, 2017, Walgreens determined that AR's patient profile was
12 deleted and all prescriptions associated to AR were transferred to patient ET's profile. Walgreens
13 contacted the doctor's office associated with several of AR and ET's prescription numbers. The
14 doctor's office denied having a patient named AR or ET.

15 e. Walgreens interviewed Respondent. Respondent denied filling and picking up
16 prescriptions and alleged that another pharmacist technician was attempting to set her up.
17 Walgreens placed Respondent on immediate suspension and formally terminated her on March
18 17, 2019 for gross misconduct related to transactions in the pharmacy.

19 24. Through the course of the investigation, Inspector ED determined that between
20 January 5, 2015 and March 30, 2018, Respondent used her date of birth on file with the Board,
21 and other associated names and birth dates, to obtain 1,758 tablets of unauthorized controlled
22 substance prescriptions, by telephoning unauthorized prescriptions to CVS and Walgreens on
23 behalf of prescribers as illustrated in the Table below:

24 ///

25 ///

26 ///

27 ///

28 ///

Pharmacy license number/Pharmacy Name	Prescriber Names and quantities dispensed				
Name and Date of Birth (DOB) / Medication / Date filled	RD	Different DEA numbers for same prescriber		NM	Grand Total
		BK	BK		
PHY47767	630		540		1170
CVS PHARMACY #9616	630		540		1170
Torres, Fabiola (specific DOB used)	630		540		1170
00914663	90				90
CLONAZEPAM					
0.5 MG					
10/6/2015	45				45
10/18/2015	45				45
00918007	270				270
CLONAZEPAM					
1 MG					
11/5/2015	180				180
12/3/2015	90				90
00923073	180				180
CLONAZEPAM					
1 MG					
12/31/2015	90				90
2/15/2016	90				90
00982552	90				90
CLONAZEPAM					
1 MG					
4/26/2017	90				90
00989716			90		90
CLONAZEPAM					
1 MG					
6/12/2017			90		90
00993339			90		90
CLONAZEPAM					
1 MG					
7/18/2017			90		90
00997684			90		90
CLONAZEPAM					
1 MG					
8/28/2017			90		90
01001711			180		180
CLONAZEPAM					
1 MG					
9/30/2017			90		90
10/30/2017			90		90
01009186			90		90

CLONAZEPAM					
1 MG					
12/1/2017			90		90
PHY48302					
CVS PHARMACY #1520	180		36		216
German, Fabiola	180		36		36
00469616	180		36		216
ACETAMINOPHEN- CODEINE PHOSPHATE			36		36
300 MG-60 MG					
3/3/2016					
00474923			36		36
CLONAZEPAM	180				180
1 MG					
4/1/2016					
5/17/2016	90				90
PHY52707	90				90
WALGREENS #05301		36	36	300	372
German, Fabiola		36	36	300	372
1825601		36	36		72
ACETAMINOPHEN- CODEINE PHOSPHATE			36		36
300 MG-60 MG					
1/9/2016					
1826868			36		36
ACETAMINOPHEN- CODEINE PHOSPHATE		36			36
300 MG-60 MG					
1/12/2016					
German, Fabiola		36			36
1830121				300	300
ALPRAZOLAM				60	60
1 MG					
1/28/2016					
1851925				60	60
ALPRAZOLAM				60	60
1 MG					
3/1/2016					
1871395				60	60
ALPRAZOLAM				180	180
1 MG					
4/13/2016					
5/12/2016				60	60
6/20/2016				60	60
Grand Total				60	60
	810	36	612	300	1,758

1 **FIRST CAUSE FOR DISCIPLINE**

2 **(Unprofessional Conduct: Dishonest/Fraudulent Acts)**

3 25. Respondent is subject to disciplinary action under Code section 4301, subdivision (f)
4 on the grounds of unprofessional conduct in that Respondent committed acts of moral turpitude,
5 dishonesty, fraud, deceit, or corruption as described in paragraphs 18-23

6 **SECOND CAUSE FOR DISCIPLINE**

7 **(Knowingly Signing False Documents)**

8 26. Respondent is subject to disciplinary action under Code section 4301, subdivision (g),
9 in that Respondent knowingly made or signed a document that falsely represented a state of facts,
10 as more particularly described in paragraphs 14-24, above, and which are incorporated herein by
11 reference.

12 **THIRD CAUSE FOR DISCIPLINE**

13 **(Act of Moral Turpitude, Dishonesty, Fraud, Deceit or Corruption)**

14 27. Respondent is subject to disciplinary action under Code section 4301(f) in that
15 Respondent committed acts involving moral turpitude, dishonesty, fraud, deceit or corruption, as
16 more particularly described in paragraphs 14-24, above, and which are incorporated herein by
17 reference.

18 **FOURTH CAUSE FOR DISCIPLINE**

19 **(Unprofessional Conduct – Self-Administration of Drugs Without Prescription)**

20 28. Respondent is subject to disciplinary action under Code section 4301, subdivision (h)
21 as more particularly described in paragraphs 14-24, above, and which are incorporated herein by
22 reference.

23 **FIFTH CAUSE FOR DISCIPLINE**

24 **(Unprofessional Conduct – Commission of an Act Involving Moral Turpitude, Dishonesty,
25 Fraud, Deceit, or Corruption)**

26 29. Respondent is subject to disciplinary action for unprofessional conduct under section
27 4301(f), in that on or about September 24, 2019, Respondent was arrested for violations of Penal
28

1 Code sections 487, subdivision (a) [grand theft, \$950 or more], and 530.5 subdivision (a) [false
2 personation]. The circumstances of the September 24, 2019, arrest are as follows.

3 30. On or about April 3, 2019, a Riverside County Sheriff's Deputy investigated a report
4 of fraud stemming from unauthorized charged made to fraud victim 1's (Victim 1) bank account.
5 It is believed that the charges were made after Respondent accessed Victim 1's bank account after
6 Victim 1 hired Respondent's company "Jumper Zone" and paid for the services by check.
7 Following tendering a check to "Jumper Zone," Victim 1 discovered at least twenty-five (25)
8 unauthorized charges to the bank account associated with check made to "Jumper Zone." The
9 unauthorized charges were made under the names "Fabiola," "Fabiola Romero," or "Fabiola
10 Torres," for a combined amount of \$4,428.98.

11 31. On or about July 2, 2019, a Riverside County Sheriff's Deputy followed up on the
12 investigation that began with victim 1's April 2, 2019 report. The Deputy's follow up
13 investigation revealed another incident report that also listed Respondent as a suspect in an
14 incident report for fraud, dated June 4, 2018. In the June 4, 2018 incident report, a Riverside
15 County Sheriff's Deputy investigated a report of fraud stemming from unauthorized charged
16 made to fraud victim 2's (Victim 2) bank account. Victim 2 hired Respondent's company
17 "Jumper Zone" and paid for the services by check. Following tendering a check to "Jumper
18 Zone," Victim 2 discovered approximately five (5) unauthorized charges to the bank account
19 associated with check made to "Jumper Zone." The unauthorized charges were made under the
20 names "Fabiola Romero."

21 32. On or about July 9, 2019, a Riverside County Sheriff's Deputy obtained search
22 warrants signed by a Riverside County Superior Court Judge for records from the companies
23 where the unauthorized charges from victim 2's account had been made. On or about August 12,
24 2019, and September 9, 2019, the Deputy received documents produced pursuant to the warrants.
25 The documents tied the unauthorized charges to an Internet Protocol (IP) address that was
26 registered to Respondent's residential address. On or about September 24, 2019, the Deputy
27 traveled to Respondent's residence and made contact with Respondent. Respondent was then
28 detained and transported to the Palm Desert Sheriff's Station where Respondent was interviewed

1 by the Deputy. During the interview Respondent made statements that allowed the Deputy to
2 connect Respondent to the unauthorized charges made from victim 1 and victim 2's bank
3 accounts, totaling \$4,428.98. Respondent was then booked into the Riverside County Jail in
4 Indio, CA for violations of Penal Code sections 487, subdivision (a) [grand theft, \$950 or more],
5 and 530.5 subdivision (a) [false personation]. Respondent's criminal case associated with these
6 charges in ongoing.

7 **PRAYER**

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

10 1. Revoking or suspending Pharmacy Technician Registration Number TCH 48667,
11 issued to Fabiola German;

12 2. Ordering Fabiola German to pay the Board of Pharmacy the reasonable costs of the
13 investigation and enforcement of this case, pursuant to Business and Professions Code section
14 125.3; and,

15 3. Taking such other and further action as deemed necessary and proper.
16
17

18 DATED: February 26, 2020



19 ANNE SODERGREN
20 Executive Officer
21 Board of Pharmacy
22 Department of Consumer Affairs
23 State of California
24 *Complainant*

25 SD2019702193
26 72157741.docx
27
28