

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

In the Matter of the Accusation Against:

JAMIE ROSE BENVENUTO,

Pharmacy Technician Registration No. TCH 170946,

Respondent.

Agency Case No. 7427

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 at 5:00 p.m. on May 24, 2023.

It is so ORDERED on April 24, 2023.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

By

A handwritten signature in black ink, appearing to read "Seung W. Oh". The signature is written in a cursive style with a large, sweeping initial "S".

Seung W. Oh, Pharm D.
Board President

1 ROB BONTA
Attorney General of California
2 ARMANDO ZAMBRANO
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8
9 **BEFORE THE**
BOARD OF PHARMACY
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 7427

13 **JAMIE ROSE BENVENUTO**
14 **1515 Morgan Road**
San Bernardino, CA 92407
15 **Pharmacy Technician Registration No. TCH**
170946

**STIPULATED SURRENDER OF
LICENSE AND ORDER**

16 Respondent.
17

18 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-
19 entitled proceedings that the following matters are true:

20 **PARTIES**

21 1. Anne Sodergren (Complainant) is the Executive Officer of the Board of Pharmacy
22 (Board). She brought this action solely in her official capacity and is represented in this matter by
23 Rob Bonta, Attorney General of the State of California, by Thomas L. Rinaldi, Supervising
24 Deputy Attorney General.

25 2. Jamie Rose Benvenuto (Respondent) is representing herself in this proceeding and
26 has chosen not to exercise her right to be represented by counsel.

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1 15. Respondent shall relinquish her license, including any indicia of licensure issued by
2 the Board, to the Board within ten (10) days of the effective date of this decision.

3 16. The surrender of Respondent's license and the acceptance of the surrendered license
4 by the Board shall constitute the imposition of discipline against Respondent.

5 17. This decision constitutes as a record of discipline and shall become a part of
6 Respondent's license history with the Board.

7 18. Respondent may only seek a new or reinstated license from the Board by way of a
8 new application for licensure. Respondent understands and agrees that if she ever files an
9 application for licensure or a petition for reinstatement in the State of California, the Board shall
10 treat it as a new application for licensure shall not be eligible to petition for reinstatement of
11 licensure.

12 19. Respondent may not apply for any license, permit, or registration from the Board for
13 three (3) years from the effective date of this decision. Respondent stipulates that should she
14 apply for any license from the Board on or after the effective date of this decision, all allegations
15 set forth in Accusation shall be deemed to be true, correct and admitted by Respondent when the
16 Board determines whether to grant or deny the application.

17 20. Respondent shall satisfy all requirements applicable to that license as of the date the
18 application is submitted to the Board, including, but not limited to, taking and passing licensing
19 examination(s) as well as fulfilling any education or experience requirements prior to the issuance
20 of a new license.

21 21. Respondent is required to report this surrender as disciplinary action.

22 22. If Respondent should ever apply or reapply for a new license or certification, or
23 petition for reinstatement of a license, by any other health care licensing agency in the State of
24 California, all of the charges and allegations contained in Accusation No. 7427 shall be deemed
25 to be true, correct, and admitted by Respondent for the purpose of any Statement of Issues or any
26 other proceeding seeking to deny or restrict licensure


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1 23. Respondent stipulates that should she apply for any license from the Board, on or
2 after the effective date of this decision, the investigation and prosecution costs in the amount of
3 \$1,863.75 shall be paid to the Board prior to issuance of the new license.

4 **ACCEPTANCE**

5 I have carefully read the Stipulated Surrender of License and Order. I understand the
6 stipulation and the effect it will have on my Pharmacy Technician Registration. I enter into this
7 Stipulated Surrender of License and Order voluntarily, knowingly, and intelligently, and agree to
8 be bound by the Decision and Order of the Board of Pharmacy.

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10 DATED: 3-9-2023 
11 JAMIE ROSE BENVENUTO
12 Respondent

13 **ENDORSEMENT**

14 The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted
15 for consideration by the Board of Pharmacy of the Department of Consumer Affairs.


16 DATED: 3-13-2023 Respectfully submitted,
17 ROB BONTA
18 Attorney General of California
19 ARMANDO ZAMBRANO
20 Supervising Deputy Attorney General
21 
22 THOMAS L. RINALDI
23 Supervising Deputy Attorney General
24 Attorneys for Complainant

Exhibit A

Accusation No. 7427

1 ROB BONTA
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11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 7427

13 **JAMIE ROSE BENVENUTO**
14 **1515 Morgan Road**
San Bernardino, CA 92407

ACCUSATION

15 **Pharmacy Technician Registration No. TCH**
16 **170946**

17 Respondent.

18
19 **PARTIES**

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

22 2. On or about April 17, 2019, the Board issued Pharmacy Technician Registration
23 Number TCH 170946 to Jamie Rose Benvenuto (Respondent). The Pharmacy Technician
24 Registration was in full force and effect at all times relevant to the charges brought herein and
25 expired on December 31, 2022 and has not been renewed.

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1 **JURISDICTION**

2 3. This Accusation is brought before the Board under the authority of the following
3 laws. All section references are to the Business and Professions Code unless otherwise indicated.

4 4. Section 118, subdivision (b) of the Code provides that the suspension, expiration,
5 surrender, cancellation of a license shall not deprive the Board of jurisdiction to proceed with a
6 disciplinary action during the period within which the license may be renewed, restored, reissued,
7 or reinstated.

8 5. Section 4300 provides, in pertinent part, that every license issued by the Board is
9 subject to discipline, including suspension or revocation.

10 6. Section 4300.1 of the Code states:

11 The expiration, cancellation, forfeiture, or suspension of a board-issued license
12 by operation of law or by order or decision of the board or a court of law, the
13 placement of a license on a retired status, or the voluntary surrender of a license by a
14 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.

15 **STATUTORY PROVISIONS AND REGULATORY PROVISIONS**

16 7. Section 490 of the Code provides, in pertinent part, that a board may suspend or
17 revoke a license on the ground that the licensee has been convicted of a crime substantially
18 related to the qualifications, functions, or duties of the business or profession for which the
19 license was issued.

20 8. Section 493 states:

21 Notwithstanding any other provision of law, in a proceeding conducted by a
22 board within the department pursuant to law to deny an application for a license or to
23 suspend or revoke a license or otherwise take disciplinary action against a person who
24 holds a license, upon the ground that the applicant or the licensee has been convicted
25 of a crime substantially related to the qualifications, functions, and duties of the
26 licensee in question, the record of conviction of the crime shall be conclusive
evidence of the fact that the conviction occurred, but only of that fact, and the board
may inquire into the circumstances surrounding the commission of the crime in order
to fix the degree of discipline or to determine if the conviction is substantially related
to the qualifications, functions, and duties of the licensee in question. As used in this
section, "license" includes "certificate," "permit," "authority," and "registration."

27 9. Section 4301 of the Code states:

28 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:

....

(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.

....

(k) The conviction or more than one misdemeanor or any felony involving the use, consumption, or self-administration of any dangerous drug or alcoholic beverage, or any combination of those substances.

(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.

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

(a) For the purpose of denial, suspension, or revocation of a personal or facility license pursuant to Section 141 or Division 1.5 (commencing with Section 475) of the Business and Professions Code, a crime, professional misconduct, or act shall be considered substantially related to the qualifications, functions or duties of the practice, profession, or occupation that may be performed under the license type sought or held if to a substantial degree it evidences present or potential unfitness of an applicant or licensee to perform the functions authorized by the license in a manner consistent with the public health, safety, or welfare.

....

(c) For purposes of subdivision (a), substantially related crimes, professional misconduct, or acts shall include, but are not limited to, those which:

....

(5) Involve a conviction for driving under the influence of drugs or alcohol.

1 **COST RECOVERY**

2 11. Section 125.3 of the Code states, in pertinent part, that the Board may request the
3 administrative law judge to direct a licentiate found to have committed a violation or violations of
4 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
5 enforcement of the case.

6 **FIRST CAUSE FOR DISCIPLINE**

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

8 12. Respondent is subject to disciplinary action under sections 490 and 4301, subdivision
9 (l), in conjunction with California Code of Regulations, title 16, section 1770, subdivision (c) (5),
10 in that Respondent was convicted of a crime substantially related to the qualifications, functions,
11 and duties of a pharmacy technician. Specifically, on or about November 15, 2021, after her plea
12 of nolo contendere, Respondent was convicted of one (1) misdemeanor count of violating Vehicle
13 Code section 23152, subdivision (b) (driving while having 0.08% or more, by weight of alcohol
14 in her blood) with special allegations of Vehicle Code sections 23540, subdivision (a), and 23546,
15 subdivision (a) (prior driving while intoxicated conviction within 10 years), in the criminal
16 proceeding titled: *The People of the State of California v. Jamie Rose Benvenuto* (Super. Ct. San
17 Bernardino County, 2021, No. MSB21006625). The court placed Respondent on 36months of
18 probation with terms and conditions. The circumstances surrounding the conviction were that on
19 or about 9:28 p.m. on March 13, 2021, police officers received a report of a solo vehicle traffic
20 collision with an ambulance response required. Upon contact, officers noted Respondent
21 displayed objective symptoms of intoxication. She declined to answer any pre-Field Sobriety Test
22 questions and refused to submit to a breathalyzer and blood test. Subsequently a warrant was
23 issued for a blood test and at approximately 11:15 p.m., Respondent's blood alcohol content
24 registered at 0.22 %.

25 **SECOND CAUSE FOR DISCIPLINE**

26 **(Dangerous Use of Alcohol)**

27 13. Respondent is subject to disciplinary action under section 4301, subdivision (h), in
28 that on or about March 13, 2021, Respondent used alcoholic beverages to the extent or in a

1 manner as to be dangerous or injurious to herself, another person, or to the public. Complainant
2 refers to, and by this reference incorporates, the allegations set forth above in paragraph 12, as
3 though set forth fully.

4 **THIRD CAUSE FOR DISCIPLINE**

5 14. Respondent is subject to disciplinary action under section 4301, subdivision (k), in
6 that Respondent sustained more than one misdemeanor conviction involving the use of alcohol as
7 outlined below:

8 a. On or about November 15, 2021, after her plea of nolo contendere, Respondent was
9 convicted of one (1) misdemeanor count of violating Vehicle Code section 23152, subdivision (b)
10 (driving while having 0.08% or more, by weight of alcohol in his blood) with special allegations
11 of Vehicle Code sections 23540, subdivision (a), and 23546, subdivision (a) (prior driving while
12 intoxicated conviction within 10 years), in the criminal proceeding titled: *The People of the State*
13 *of California v. Jamie Rose Benvenuto* (Super. Ct. San Bernardino County, 2021, No.
14 MSB21006625).

15 b. On or about June 5, 2018, after her guilty plea, Respondent was convicted of one (1)
16 misdemeanor count of violating Vehicle Code section 23152, subdivision (b) (driving while
17 having 0.08% or more of alcohol present in her blood) in the criminal proceeding titled: *The*
18 *People of the State of California v. Jamie Benvenuto* (Sup. Ct. Riverside County, 2018, No.
19 BAM1800746).

20 **PRAYER**

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

23 1. Revoking or suspending Pharmacy Technician Registration Number TCH 170946,
24 issued to Jamie Rose Benvenuto;

25 2. Ordering Jamie Rose Benvenuto to pay the Board of Pharmacy the reasonable costs
26 of the investigation and enforcement of this case, pursuant to Business and Professions Code
27 section 125.3; and,

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

DATED: 2/9/2023

Sodergren,
Anne@DCA
ANNE SODERGREN
Executive Officer
Board of Pharmacy
Department of Consumer Affairs
State of California
Complainant

Digitally signed by Sodergren,
Anne@DCA
Date: 2023.02.09 08:19:41 -08'00'

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