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**BEFORE THE
BOARD OF PHARMACY**

**DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

PATRICIA GABRIELLE N. LUCENTE
450 E. Daily Drive, #27
Camarillo, CA 93010

Pharmacist Technician License No. TCH
171521

Respondent.

Case No. 7883

DEFAULT DECISION AND ORDER

[Gov. Code, §11520]

FINDINGS OF FACT

1. On or about September 2, 2024, Complainant Anne Sodergren, in her official capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs, filed Accusation No. 7883 against Patricia Gabrielle N. Lucente (Respondent) before the Board of Pharmacy. (Accusation attached as Exhibit A.)

2. On or about March 26, 2019, the Board of Pharmacy (Board) issued Pharmacist Technician License No. TCH 171521 to Respondent. The Pharmacist Technician License was in full force and effect at all times relevant to the charges brought in Accusation No. 7883 and will expire on January 31, 2025, unless renewed.

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1 3. On or about September 5, 2024, Respondent was served by Certified and First Class
2 Mail copies of the Accusation No. 7883, 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: 450 E. Daily Drive, #27, Camarillo, CA 93010.

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. 7883.

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 finds that the charges and allegations in Accusation No. 7883, are separately and severally, found
27 to be true and correct by clear and convincing evidence.

28 9. The Board finds that the actual costs for Investigation and Enforcement are \$1,190.25
as of October 11, 2024.

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1 **DETERMINATION OF ISSUES**

2 1. Based on the foregoing findings of fact, Respondent Patricia Gabrielle N. Lucente has
3 subjected her Pharmacist Technician License No. TCH 171521 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 Pharmacist Technician
6 License based upon the following violations alleged in the Accusation which are supported by the
7 evidence contained in the Default Decision Investigatory Evidence Packet in this case:

8 a. Business and Professions Code sections 4301, subdivision (l) and 490, in that
9 Respondent was convicted of a crime substantially related to the qualifications, functions or
10 duties of a pharmacy technician.

11 b. Business and Professions Code section 4301, subdivision (f), in that Respondent
12 committed acts involving moral turpitude, dishonesty, fraud, deceit, or corruption.

13 **ORDER**

14 IT IS SO ORDERED that Pharmacist Technician License No. TCH 171521, issued to
15 Respondent Patricia Gabrielle N. Lucente, is revoked.

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

20 Upon revocation per this Order, under Business and Professions Code section 4307,
21 subdivision (a), Respondent shall be prohibited from serving as a manager, administrator, owner,
22 member, officer, director, associate, partner, or serving in any other position with management or
23 control of a licensee. This prohibition shall continue until the license is issued or reinstated.

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This Decision shall become effective at 5:00 p.m. on April 23, 2025.

It is so ORDERED on March 24, 2025.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

67156276
DOJ Matter ID:LA2024603326

By 

Attachment:
Exhibit A: Accusation

Seung W. Oh, Pharm.D.
Board President

Exhibit A

Accusation

1 ROB BONTA
Attorney General of California
2 ARMANDO ZAMBRANO
Supervising Deputy Attorney General
3 THOMAS L. RINALDI
Supervising Deputy Attorney General
4 State Bar No. 206911
300 So. Spring Street, Suite 1702
5 Los Angeles, CA 90013
Telephone: (213) 269-6310
6 Facsimile: (916) 731-2126
Attorneys for Complainant
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. 7883

13 **PATRICIA GABRIELLE N. LUCENTE**
450 E. Daily Drive, #27
14 Camarillo, CA 93010

ACCUSATION

15 Pharmacist Technician License No. TCH
171521

16 Respondent.
17

18 **PARTIES**

19
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 March 26, 2019, the Board issued Pharmacist Technician License
23 Number TCH 171521 to Patricia Gabrielle N. Lucente (Respondent). The Pharmacist Technician
24 License was in full force and effect at all times relevant to the charges brought herein and will
25 expire on January 31, 2025, unless renewed.

26 **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.

1 4. Section 4300 states:

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

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

6 (1) Suspending judgment.

7 (2) Placing him or her upon probation.

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

9 (4) Revoking his or her license.

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

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

18 (1) Medical or psychiatric evaluation.

19 (2) Continuing medical or psychiatric treatment.

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

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

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

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

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

25 (d) The board may initiate disciplinary proceedings to revoke or suspend any
26 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
28 probationary certificate to a regular certificate, free of conditions.

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

34 5. Section 4300.1 states:

35 The expiration, cancellation, forfeiture, or suspension of a board-issued license

1 by operation of law or by order or decision of the board or a court of law, the
2 placement of a license on a retired status, or the voluntary surrender of a license by a
3 licensee shall not deprive the board of jurisdiction to commence or proceed with any
4 investigation of, or action or disciplinary proceeding against, the licensee or to render
5 a decision suspending or revoking the license.

4 STATUTORY PROVISIONS

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

8 7. Section 4301 states, in pertinent part:

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

11

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

14

15 (l) The conviction of a crime substantially related to the qualifications,
16 functions, and duties of a licensee under this chapter. The record of conviction of a
17 violation of Chapter 13 (commencing with Section 801) of Title 21 of the United
18 States Code regulating controlled substances or of a violation of the statutes of this
19 state regulating controlled substances or dangerous drugs shall be conclusive
20 evidence of unprofessional conduct. In all other cases, the record of conviction shall
21 be conclusive evidence only of the fact that the conviction occurred. The board may
22 inquire into the circumstances surrounding the commission of the crime, in order to
23 fix the degree of discipline or, in the case of a conviction not involving controlled
24 substances or dangerous drugs, to determine if the conviction is of an offense
25 substantially related to the qualifications, functions, and duties of a licensee under this
26 chapter. A plea or verdict of guilty or a conviction following a plea of nolo
27 contendere is deemed to be a conviction within the meaning of this provision. The
28 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 their 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.

25 8. Section 4307 states:

26 (a) Any person who has been denied a license or whose license has been
27 revoked or is under suspension, or who has failed to renew his or her license while it
28 was under suspension, or who has been a manager, administrator, owner, member,
officer, director, associate, partner, or any other person with management or control
of any partnership, corporation, trust, firm, or association whose application for a

1 license has been denied or revoked, is under suspension or has been placed on
2 probation, and while acting as the manager, administrator, owner, member, officer,
3 director, associate, partner, or any other person with management or control had
4 knowledge of or knowingly participated in any conduct for which the license was
5 denied, revoked, suspended, or placed on probation, shall be prohibited from serving
6 as a manager, administrator, owner, member, officer, director, associate, partner, or in
7 any other position with management or control of a licensee as follows:

8 (1) Where a probationary license is issued or where an existing license is placed
9 on probation, this prohibition shall remain in effect for a period not to exceed five
10 years.

11 (2) Where the license is denied or revoked, the prohibition shall continue until
12 the license is issued or reinstated.

13 (b) "Manager, administrator, owner, member, officer, director, associate,
14 partner, or any other person with management or control of a license" as used in this
15 section and Section 4308, may refer to a pharmacist or to any other person who serves
16 in such capacity in or for a licensee.

17 (c) The provisions of subdivision (a) may be alleged in any pleading filed
18 pursuant to Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of
19 the Government Code. However, no order may be issued in that case except as to a
20 person who is named in the caption, as to whom the pleading alleges the applicability
21 of this section, and where the person has been given notice of the proceeding as
22 required by Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of
23 the Government Code. The authority to proceed as provided by this subdivision shall
24 be in addition to the board's authority to proceed under Section 4339 or any other
25 provision of law.

26 **REGULATORY PROVISIONS**

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

28 (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.

(b) In making the substantial relationship determination required under
subdivision (a) for a crime, the board will consider the following criteria:

(1) The nature and gravity of the offense;

(2) The number of years elapsed since the date of the offense; and

(3) The nature and duties of the practice, profession, or occupation that may be
performed under the license type sought or held.

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

1 (1) Violate or attempt to violate, directly or indirectly, or to aid, abet or
2 conspire to violate, any provision of law of this state, or any other jurisdiction,
governing the practice of pharmacy.

3 (2) Violate or attempt to violate, directly or indirectly, or to aid, abet or
4 conspire to violate, any provision of Chapter 13 (commencing with Section 801) of
Title 21 of the United States Code regulating controlled substances or any law of this
state, or any other jurisdiction, relating to controlled substances or dangerous drugs.

5 (3) Violate or attempt to violate, directly or indirectly, or to aid, abet or
6 conspire to violate, any provision of law of this state, or any other jurisdiction,
relating to government provided or government supported healthcare.

7 (4) Involve dishonesty, fraud, deceit, or corruption related to money, items,
8 documents, or personal information.

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

10 **COST RECOVERY**

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

15 **FIRST CAUSE FOR DISCIPLINE**

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

17 11. Respondent is subject to disciplinary action under sections 4301, subdivision (l) and
18 490, in conjunction with California Code of Regulations, title 16, section 1770, in that
19 Respondent was convicted of a crime substantially related to the qualifications, functions or
20 duties of a pharmacy technician. Specifically, on or about May 1, 2024, after pleading nolo
21 contendere, Respondent was convicted of one misdemeanor count of violating Penal Code section
22 487, subdivision (a) [grand theft] in the criminal proceeding entitled *The People of the State of*
23 *California v. Patricia Gabrielle McCarthy* (Super. Ct. Ventura, 2024, No. 2023032721). The
24 court sentenced Respondent to serve 30 days in jail, and placed her on 12 months' probation, with
25 terms and conditions. The circumstances surrounding the conviction are that on or about
26 December 11, 2023, police officers responded to a report of embezzlement by an employee at
27 Ralphs Pharmacy. Upon arrival, the District Asset Protection Manager for Ralphs informed
28 officers that a new bookkeeper hired by the pharmacy reported that an approximate total of

1 \$10,400 was missing from the pharmacy over the course of the year and that specific sums
2 ranging from \$50-\$400 were unaccounted for on the dates that Respondent worked in the
3 pharmacy. To confirm that Respondent was responsible for the thefts, marked bills were placed in
4 a cash register that were subsequently found in Respondent's possession. During interviews with
5 Respondent by pharmacy staff and subsequently by arresting officers, she admitted to stealing
6 money from the pharmacy due to financial hardship.

7 **SECOND CAUSE FOR DISCIPLINE**

8 **(Acts Involving Moral Turpitude, Dishonesty, Fraud, Deceit, or Corruption)**

9 12. Respondent is subject to disciplinary action under section 4301, subdivision (f), on
10 the grounds of unprofessional conduct, in that Respondent committed acts involving moral
11 turpitude, dishonesty, fraud, deceit, or corruption. Complainant refers to, and by this reference
12 incorporates, the allegations set forth above in paragraph 11, as though fully set forth herein.

13 **OTHER MATTERS**

14 13. Pursuant to Code section 4307, if discipline is imposed on Pharmacy Technician
15 License Number TCH 171521 issued to Patricia Gabrielle N. Lucente, Patricia Gabrielle N.
16 Lucente shall be prohibited from serving as a manager, administrator, owner, member, officer,
17 director, associate, or partner of a licensee for five years if Pharmacy Technician License Number
18 TCH 171521 is placed on probation or until Pharmacy Technician License Number TCH 171521
19 is reinstated if it is revoked

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 Pharmacist Technician License Number TCH 171521, issued
24 to Patricia Gabrielle N. Lucente;

25 2. Prohibiting Patricia Gabrielle N. Lucente from serving as a manager, administrator,
26 owner, member, officer, director, associate, or partner of a licensee for five years if Pharmacy
27 Technician License Number TCH 171521 is placed on probation or until Pharmacy Technician

28 ///

1 License Number TCH 171521 is reinstated if Pharmacy Technician License Number TCH 171521
2 issued to Patricia Gabrielle N. Lucente is revoked;

3 3. Ordering Patricia Gabrielle N. Lucente to pay the Board of Pharmacy the reasonable
4 costs of the investigation and enforcement of this case, pursuant to Business and Professions
5 Code section 125.3; and, if placed on probation, the costs of probation monitoring; and,

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

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DATED: 9/2/2024

Sodergren,  Digitally signed by
Sodergren, Anne@DCA
Anne@DCA Date: 2024.09.02
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ANNE SODERGREN
Executive Officer
Board of Pharmacy
Department of Consumer Affairs
State of California
Complainant

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