

CASH BOND
RECOMMENDED: 5,000.00
BAIL: 5/4/15

AGENCY#: 162924/CRPD

MICHAEL A. HESTRIN
DISTRICT ATTORNEY

SUPERIOR COURT OF CALIFORNIA
COUNTY OF RIVERSIDE
(Riverside)

FILED
Superior Court of California
County of Riverside
04/28/2016
YVONNE AYALA

THE PEOPLE OF THE STATE OF CALIFORNIA,

D.A.# 361715

Plaintiff,

CASE NO. **RIF1601981**
FELONY COMPLAINT

v.

ELIZABETH ASHLEY BECERRA
DOB:01/18/1993

PC 1000 DIVERSION PC 1210.1 REFERRED
Eligible _____ YES _____
Not Eligible X NO X
Unknown if Eligible _____

Defendant.

COUNT 1

The undersigned, under penalty of perjury upon information and belief, declares: That the above named defendant committed a violation of Health and Safety Code section 11379, subdivision (a), a felony, in that on or about February 16, 2016, in the County of Riverside, State of California, the defendant(s) did wilfully and unlawfully sell, transport, furnish, administer, import, and give away, and offer to sell, transport, furnish, administer, and give away a controlled substance, to wit, HYDROCODONE, NORCO.

COUNT 2

That the above named defendant committed a violation of Penal Code section 487, subdivision (a), a felony, in that on or about February 16, 2016, in the County of Riverside, State of California, the defendant(s) did wilfully and unlawfully steal and take and defraud money, labor, real and personal property of RITE AID, of a value exceeding Nine Hundred Fifty Dollars (\$950.00) to wit: PRESCRIPTION DRUGS.

COUNT 3

That the above named defendant committed a violation of Penal Code section 503, a felony, in that on or about March 9, 2016, in the County of Riverside, State of California, the defendant(s) while in the employ of RITE AID, did wilfully and unlawfully appropriate to her own use money and personal property of a value exceeding Four Hundred Dollars (\$400.00), to wit, PRESCRIPTION DRUGS.

MARSY'S LAW

Information contained in the reports being distributed as discovery in this case may contain confidential information protected by Marsy's Law and the amendments to the California Constitution Section 28. Any victim(s) in any above referenced charge(s) is entitled to be free from intimidation, harassment, and abuse. It is unlawful for defendant(s), defense counsel, and any other person acting on behalf of the defendant(s) to use any information contained in the reports to locate or harass any victim(s) or the victim(s)'s family or to disclose any information that is otherwise privileged and confidential by law. Additionally, it is a misdemeanor violation of California Penal Code § 1054.2a(3) to disclose the address and telephone number of a victim or witness to a defendant, defendant's family member or anyone else. Note exceptions in California Penal Code § 1054.2a(a) and (2).

I declare under penalty of perjury upon information and belief under the laws of the State of California that the foregoing is true and correct.

Michael A. Hestrin
District Attorney

Dated: April 25, 2016

By: Daima Calhoun
Deputy District Attorney

rr

MAY 04 2016

SUPERIOR COURT OF CALIFORNIA, COUNTY OF RIVERSIDE
FELONY PLEA FORM

People v. Elizabeth Becerra Case Number RI1601981

FILED
MAY 05 2016

A. ADVISEMENT OF RIGHTS:

- EB 1. I have the right to a speedy and public trial by a judge or jury.
- EB 2. At my trial, I have the right to face and cross-examine any witnesses against me.
- EB 3. I have the right to ask the court to compel witnesses to attend my trial at no expense to me, and to present evidence in my defense.
- EB 4. I have the right against self-incrimination. I cannot be forced to testify against myself, but I also have the right to testify in my own defense if I choose to do so.
- EB 5. I have the right to be represented by a lawyer throughout my trial. If I cannot afford one, the court will appoint one to represent me at no cost to me.

B. CONSEQUENCES OF PLEA (1 through 5 apply to everyone):

- EB 1. As a convicted felon, I will not be able to own or possess any firearm. I will be ordered to pay restitution to the victim(s) if the victim(s) suffered economic harm. I agree that the amount of victim restitution is _____. If the parties do not agree, the probation department will determine the amount. If I disagree with the amount, I must promptly request a hearing.
- EB 2. Charges and/or enhancements may have been dismissed as part of this negotiated disposition with the District Attorney's Office. I agree that I will be ordered to pay restitution to the victim(s) of the dismissed charges and/or enhancements if the victim(s) suffered economic harm.
- EB 3. I will be ordered to pay a restitution fine of at least \$240 and not more than \$10,000. There are several other fines and fees that will be imposed as a result of this guilty plea.
- EB 4. If I am not a citizen of the United States, I understand that this conviction may have the consequences of deportation, exclusion from admission to the United States, or denial of naturalization pursuant to the laws of the United States.
- EB 5. If I receive a state prison term, I will be placed on parole or local community supervision after completing the term. Parole or local community supervision will be for the term specified by law. Generally, parole is for up to five years and local community supervision is for up to three years. If my term of imprisonment is life, and I am ever granted parole, it may be for life. If I violate any of the terms of parole, I could be returned to state prison for up to one year per violation. If I violate any of the terms of local community supervision, I could be incarcerated in county jail for up to 180 days per violation.
- EB 6. If I am sentenced to county jail, a portion of my term may be suspended and, upon release from jail, I may be placed on mandatory supervision. If I violate any of the terms and conditions of my mandatory supervision, I could be returned to county jail for up to the remainder of my suspended jail term.
- EB 7. I will be required to give a DNA sample.
- EB 8. My driving privileges will be suspended or revoked by the Department of Motor Vehicles.
- EB 9. I understand that because I am pleading guilty to a qualifying offense, I will be ordered to register with law enforcement as a(n) _____ and that if I fail to register or to keep my registration current for any reason, new criminal charges may be filed against me. I understand that registration as a sex offender is a life long requirement.
- X 10. I will be required to undergo AIDS testing.
- X 11. Being under the influence of alcohol or drugs, or both, impairs your ability to safely operate a motor vehicle. Therefore, it is extremely dangerous to human life to drive while under the influence of alcohol or drugs, or both. If I drive while under the influence of alcohol or drugs, or both, and as a result of that driving, someone is killed, I can be charged with murder.
- X 12. Other _____

C. DEFENDANT'S STATEMENT:

- EB 1. All the promises made to me are written on this form, or stated in open court.
- EB 2. No one has made any threats to me or anyone close to me, or placed any pressure of any kind on me in order to make me plead guilty.

People v. ELIZABETH BECERRA Case Number RIE 1601981

- EP 3. I understand that if I violate any of my probation terms, I could be sentenced to the maximum custody term possible under these charges as set forth under "Plea Agreement", item 2.
- EP 4. I have had adequate time to discuss with my attorney (1) my constitutional rights, (2) the consequences of any guilty plea, and (3) any defenses I may have to the charges against me.
- EP 5. As part of this plea, I (circle one) do do not waive any right to appeal that I may have.
- EP 6. Factual Basis: I agree that I did the things that are stated in the charges that I am admitting.

D. PLEA AGREEMENT:

1. I will enter a guilty plea to the following charges and enhancements:
CT 1 + 3 H + 5 1979 (a)
PC 503

The Prosecutor will dismiss any charges and enhancements that I do not admit.

2. The maximum possible custody commitment for the admitted charges and enhancements is: 4 yrs fines

3. My guilty pleas are conditional on receiving the following considerations as to sentence:
a) Formal probation will (circle one) be 1) denied; 2) granted; 3) decided by the court. If granted, the length of formal probation may be up to five years. If probation is granted, a suspended state prison sentence or felony county jail term (circle one) will/will not be imposed. A suspended felony county jail term may include a period of mandatory supervision for up to the remainder of the suspended jail term. The following legal restrictions apply to a decision to grant probation in this case:

b) The custody term will be 150 days CT / LCA (stip)
The custody term shall not be more than _____ (top)
The custody term shall not be less than _____ (floor)

c) Fines: _____

d) Other: Sentence up 5-17-16

e) Credit for time served will be 1 days actual; _____ days 4019 2933; _____ total.

E. SIGNATURES

District Attorney: The above is a correct statement of the Plea Agreement between defense and prosecution.

Date	Print Name	Sign Name
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Defendant: I have read and understand this entire document. I waive and give up all of the rights that I have initiated. I accept this Plea Agreement.

<u>5/4/16</u>	<u>Elizabeth Becerra</u>	<u>[Signature]</u>
Date	Print Name	Sign Name

Defense Attorney: I am the attorney for the defendant. I am satisfied that (1) the defendant understands his/her constitutional rights and understand that a guilty plea would be a waiver of these rights; (2) the defendant has had an adequate opportunity to discuss his/her case with me, including any defenses he/she may have to the charges; and (3) the defendant understands the consequences of his/her guilty plea. I join in the decision of the defendant to enter a guilty plea.

<u>5.4.16</u>	<u>[Signature]</u>	<u>[Signature]</u>
Date	Print Name	Sign Name

Interpreter: Having been duly sworn, I have translated this form to the defendant in the _____ language. The defendant has stated that he/she fully understood the contents of the form prior to signing.

Date	Print Name	Sign Name
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Original

SUPERIOR COURT OF CALIFORNIA, COUNTY OF RIVERSIDE
SENTENCING MEMORANDUM

FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF RIVERSIDE

Page 1 of 2

People v. ELIZABETH ASHLEY
BECERRA

THE FOLLOWING TERMS AND CONDITIONS
ARE ORDERED BY THE COURT

MAY 17 2016

Case Number RIF1601981

J. MARTIN *JM*

MISDEMEANOR FELONY

Proceedings are suspended.(PAS)
Formal probation granted for 36 months.(FPG)
Obey all laws, ordinances, and court orders.(T1)
Charges admitted: I: 11379(a) H&S; III: 503 PC

CUSTODY / WORK PROGRAMS / COMMUNITY SERVICE
Be committed to the custody of RSO for 180 days.(TAA)
Custody to be served as follows: *LCA*
179 days to be served in the *Work Release* Program. Report on or before
6/27/2016.(TAJ1)
Credit time served 1 days actual + 0 days PC § 4019.(CTS)

FINES / FEES / RESTITUTION All fines, fees, and restitution imposed shall be paid to the Court, as directed by the Enhanced Collections Division
Pay booking fees of \$ 425.82 (GC § 29560).(TXV1)
Pay restitution fine of \$ 300.00 (PC § 1202.4(b)).(TYC)
Pay probation revocation restitution fine of \$ 300.00 (PC § 1202.44). Stayed pending completion of probation.(TYF1)
Pay victim restitution; amount to be determined by the Probation Department; disputes as to the amount to be resolved at a court hearing (PC § 1203.1(a)(3)).(TCB/Z)
If your fine(s) or actual restitution is not paid in full more than 120 days before completion of probation you are ordered to re-contact Enhanced Collections and complete a new Financial Disclosure Statement form (PC § 1202.4(f)(1)).(TYG/A)
Report to/cooperate with Enhanced Collections immediately or within two business days of release from custody.(DORECD)

DRUG / SEARCH / TEST PROGRAM TERMS
Do not knowingly use or possess any controlled substances, unless legally prescribed for you.(TDL1)
Submit to chemical test of your blood, saliva, breath or urine or any reasonable physical test upon request of any law enforcement or probation officer.(TEC)
Submit to immediate search of person/property including all residences/premises/storage units, containers, & vehicles under your control by, Probation Officer or law enforcement officer, with or without cause.(TEA1/A)
Provide a DNA sample as directed by probation or law enforcement personnel (PC § 296(a)).(TEF2)
*Submit proof of enrollment and/or completion of the above noted programs as directed by your Probation Officer and/or Alternative Sentencing.
Participate and complete at your expense any counseling, rehabilitation/treatment, program deemed appropriate by probation officer; and authorize release of information relative to progress.(THF/A)

ASSOCIATION / RESIDENCE / WORK TERMS
Do not associate with any unrelated person you know to be on probation or parole.(THO) *Brian Vargas Joe Baccaro*
Do not associate with any unrelated person you know to be a possessor, user or trafficker of controlled substances.(TDK)
Do not leave the State of California without first obtaining written permission of the probation department per the Interstate Compact Act.(THR)
Inform the probation officer of your place of residence and reside at residence approved by the probation officer.(THC)
Give written notice to the probation officer 24 hours before changing your residence and do not move without the approval of the probation officer.(THC1)
Seek and maintain employment or attend a full time school or vocational program.(THB)

ADDITIONAL PROBATION TERMS
Other: THJ1/A-DO NOT OWN OR HAVE ACCESS TO ANY FIREARM/DEADLY WEAPON, AMMUNITION, OR INCENDIARY DEVICES.

ADDITIONAL FORMAL PROBATION TERMS
If expelled or deported, do not re-enter the United States illegally.(THM1)
If expelled, deported, or voluntarily leave the United States, you must report to probation by telephone or in writing within 30 days of departure.(THM2)
Report to probation officer immediately or upon release from custody, and abide by all reasonable directives of probation officer.(THL)
Report any law enforcement contacts to probation officer within 48 hours.(THI)

MAY 18 2016

SUPERIOR COURT OF CALIFORNIA, COUNTY OF RIVERSIDE
SENTENCING MEMORANDUM

Page 2 of 2

People v. ELIZABETH ASHLEY
BECERRA

Case Number RIF1601981

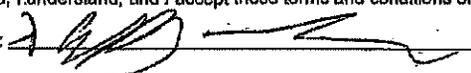
ADDITIONAL ORDERS OF THE COURT

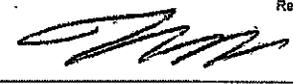
Pay court operations assessment fee of \$40 per convicted charge (PC § 1465.8).(TXX)
Pay court conviction assessment fee of \$30 per convicted misdemeanor/felony charge (GC § 70373).(TXW)
Pay drug lab fee and penalty assessment fee of \$190 (H&S § 11372.5). (TBAL)
Pay drug education fee and penalty assessment fee of \$190 (H&S § 11372.7).(TBBL)

Pay the costs of probation supervision in an amount to be determined by Probation. Based on the level of supervision, the costs will range from \$591.12 to \$3744.00 (PC § 1203.1b).(TXM/A)
Pay the actual cost of court ordered drug testing through the court as directed by Enhanced Collections.(TEE)

Revised 04/12/13 CR002

I have read, I understand, and I accept these terms and conditions of probation on pages one and two.

Defendant: 

Defense Attorney: 

District Attorney: _____

Interpreter: _____

Dated: _____

IT IS SO ORDERED: _____ JUDICIAL OFFICER

NOTICE TO DEFENDANT: If you have been placed on probation, you have the right to ask the court either (1) to allow you to withdraw your plea of guilty or of nolo contendere and to enter a plea of not guilty, or (2) if you were convicted after a plea of not guilty, to set aside the verdict of guilty. (For details, see Penal Code section 1203.4.) If you have been convicted of a misdemeanor and not placed on probation, and one year has passed since pronouncement of judgment, you have the right to make a similar request. (For details, see Penal Code section 1203.4a.) Forms on which to make such requests are available in the clerk's office.

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

In the Matter of the Accusation Against:
ELIZABETH ASHLEY BECERRA
1794 Ohio Street
Riverside, CA 92507
Pharmacy Technician Registration
No. TCH 126156

Respondent.

Case No. 5951
DEFAULT DECISION AND ORDER
[Gov. Code, §11520]

FINDINGS OF FACT

1. On or about October 14, 2016, Complainant Virginia K. Herold, in her official capacity as the Executive Officer of the Board of Pharmacy (Board), Department of Consumer Affairs, filed Accusation No. 5951 against Elizabeth Ashley Becerra (Respondent). (A copy of the Accusation is attached as Exhibit A.)
2. On or about September 6, 2012, the Board issued Pharmacy Technician Registration No. TCH 126156 to Respondent. The Pharmacy Technician Registration expired on January 31, 2016, and has not been renewed. Section 4300.1 of the Code provides, in pertinent part, that the expiration of a license or registration shall not deprive the Board of jurisdiction to commence or proceed with disciplinary proceeding against the licensee.
3. On or about October 24, 2016, Respondent was served by Certified and First Class Mail copies of the Accusation No. 5951, Statement to Respondent, Notice of Defense, Request

1 for Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6, and
2 11507.7) at Respondent's address of record which, pursuant to Business and Professions Code
3 section 4100, is required to be reported and maintained with the Board. Respondent's address of
4 record was and is:

5 1794 Ohio Street
6 Riverside, CA 92507

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. On or about October 27, 2016, the aforementioned documents served by Certified
11 Mail were delivered to Respondent's address of record.

12 6. Government Code section 11506(c) states, in pertinent part:

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

18 7. Respondent failed to file a Notice of Defense within 15 days after service upon her of
19 the Accusation, and therefore waived her right to a hearing on the merits of Accusation No. 5951.

20 8. California Government Code section 11520(a) states, in pertinent part:

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

25 9. Pursuant to its authority under Government Code section 11520, the Board finds
26 Respondent is in default. The Board will take action without further hearing and, based on the
27 relevant evidence contained in the Default Decision Evidence Packet in this matter, as well as
28 taking official notice of all the investigatory reports, exhibits and statements contained therein on
file at the Board's offices regarding the allegations contained in Accusation No. 5951, finds that
the charges and allegations in Accusation No. 5951, are separately and severally, found to be true
and correct by clear and convincing evidence.

ORDER

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IT IS SO ORDERED that Pharmacy Technician Registration No. TCH 126156, heretofore issued to Respondent Elizabeth Ashley Becerra, 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 January 23, 2017.

It is so ORDERED on December 23, 2016.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA



By _____

Amy Gutierrez, Pharm.D.
Board President

DOJ Matter ID: SD2016702206

Attachment:
Exhibit A: Accusation

Exhibit A

Accusation

(ELIZABETH ASHLEY BECERRA)

1 KAMALA D. HARRIS
Attorney General of California
2 LINDA K. SCHNEIDER
Senior Assistant Attorney General
3 ANTOINETTE B. CINCOTTA
Supervising Deputy Attorney General
4 State Bar No. 120482
600 West Broadway, Suite 1800
5 San Diego, CA 92101
P.O. Box 85266
6 San Diego, CA 92186-5266
Telephone: (619) 738-9457
7 Facsimile: (619) 645-2061
Attorneys for Complainant

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

11
12 In the Matter of the Accusation Against:

Case No. 5951

13 **ELIZABETH ASHLEY BECERRA**
1794 Ohio Street
14 Riverside, CA 92507

A C C U S A T I O N

15 **Pharmacy Technician Registration**
16 **No. TCH 126156**

Respondent.

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19 Complainant alleges:

20 **PARTIES**

- 21 1. Virginia Herold (Complainant) brings this Accusation solely in her official capacity
22 as the Executive Officer of the Board of Pharmacy (Board), Department of Consumer Affairs.
23 2. On or about September 6, 2012, the Board issued Pharmacy Technician Registration
24 Number TCH 126156 to Elizabeth Ashley Becerra (Respondent). The Pharmacy Technician
25 Registration expired on January 31, 2016, and was not renewed. The Pharmacy Technician
26 Registration was cancelled on May 1, 2016.

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JURISDICTION

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

16 4. Section 4300, subdivision (a) of the Code states: "Every license issued may be
17 suspended or revoked."

18 5. Section 4300.1 of the Code states:

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

STATUTORY PROVISIONS

25 6. Section 482 of the Code states:

26 Each board under the provisions of this code shall develop criteria to evaluate the
27 rehabilitation of a person when:

28 (a) Considering the denial of a license by the board under Section 480; or

(b) Considering suspension or revocation of a license under Section 490.

Each board shall take into account all competent evidence of rehabilitation
furnished by the applicant or licensee.

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

8. Section 493 of the Code states:

Notwithstanding any other provision of law, in a proceeding conducted by a board
within the department pursuant to law to deny an application for a license or to suspend
or revoke a license or otherwise take disciplinary action against a person who holds a
license, upon the ground that the applicant or the licensee has been convicted of a crime
substantially related to the qualifications, functions, and duties of the 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

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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."

9. Section 4022 of the Code states

"Dangerous drug" or "dangerous device" means any drug or device unsafe for self-use in humans or animals, and includes the following:

(a) Any drug that bears the legend: "Caution: federal law prohibits dispensing without prescription," "Rx only," or words of similar import.

(b) Any device that bears the statement: "Caution: federal law restricts this device to sale by or on the order of a _____," "Rx only," or words of similar import, the blank to be filled in with the designation of the practitioner licensed to use or order use of the device.

(c) Any other drug or device that by federal or state law can be lawfully dispensed only on prescription or furnished pursuant to Section 4006.

10. Section 4059 of the Code states, in pertinent part, that a person may not furnish any dangerous drug except upon the prescription of a physician, dentist, podiatrist, optometrist, veterinarian, or naturopathic doctor.

11. Section 4060 of the Code provides, in pertinent part, that 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.

12. 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 procured by fraud or misrepresentation or 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.

...

(j) The violation of any of the statutes of this state, or any other state, or of the United States regulating controlled substances and dangerous drugs.

...

1 (1) The conviction of a crime substantially related to the qualifications, functions,
2 and duties of a licensee under this chapter. The record of conviction of a violation of
3 Chapter 13 (commencing with Section 801) of Title 21 of the United States Code
4 regulating controlled substances or of a violation of the statutes of this state regulating
5 controlled substances or dangerous drugs shall be conclusive evidence of unprofessional
6 conduct. In all other cases, the record of conviction shall be conclusive evidence only of
7 the fact that the conviction occurred. The board may inquire into the circumstances
8 surrounding the commission of the crime, in order to fix the degree of discipline or, in
9 the case of a conviction not involving controlled substances or dangerous drugs, to
10 determine if the conviction is of an offense substantially related to the qualifications,
11 functions, and duties of a licensee under this chapter. A plea or verdict of guilty or a
12 conviction following a plea of nolo contendere is deemed to be a conviction within the
13 meaning of this provision. The board may take action when the time for appeal has
14 elapsed, or the judgment of conviction has been affirmed on appeal or when an order
15 granting probation is made suspending the imposition of sentence, irrespective of a
16 subsequent order under Section 1203.4 of the Penal Code allowing the person to
17 withdraw his or her plea of guilty and to enter a plea of not guilty, or setting aside the
18 verdict of guilty, or dismissing the accusation, information, or indictment.

11 ...
12 (o) Violating or attempting to violate, directly or indirectly, or assisting in or
13 abetting the violation of or conspiring to violate any provision or term of this chapter or
14 of the applicable federal and state laws and regulations governing pharmacy, including
15 regulations established by the board or by any other state or federal regulatory agency. . .

14 13. Health and Safety Code section 11379, subdivision (a) states:

15 Except as otherwise provided in subdivision (b) and in Article 7 (commencing with
16 Section 4211) of Chapter 9 of Division 2 of the Business and Professions Code, every
17 person who transports, imports into this state, sells, furnishes, administers, or gives
18 away, or offers to transport, import into this state, sell, furnish, administer, or give away,
19 or attempts to import into this state or transport any controlled substance which is (1)
20 classified in Schedule III, IV, or V and which is not a narcotic drug, except subdivision
21 (g) of Section 11056, (2) specified in subdivision (d) of Section 11054, except
22 paragraphs (13), (14), (15), (20), (21), (22), and (23) of subdivision (d), (3) specified in
23 paragraph (11) of subdivision (c) of Section 11056, (4) specified in paragraph (2) or (3)
24 of subdivision (f) of Section 11054, or (5) specified in subdivision (d) or (e), except
25 paragraph (3) of subdivision (e), or specified in subparagraph (A) of paragraph (1) of
26 subdivision (f), of Section 11055, unless upon the prescription of a physician, dentist,
27 podiatrist, or veterinarian, licensed to practice in this state, shall be punished by
28 imprisonment pursuant to subdivision (h) of Section 1170 of the Penal Code for a period
of two, three, or four years.

23 14. United States Code, title 21, section 843 states, in pertinent part:

24 (a) It shall be unlawful for any person knowingly or intentionally -

25 ...
26 (3) to acquire or obtain possession of a controlled substance by
27 misrepresentation, fraud, forgery, deception, or subterfuge. . . .

28 ///

REGULATORY PROVISIONS

1 15. California Code of Regulations, title 16, section 1769, subdivision (b) states:

2 (b) When considering the suspension or revocation of a facility or a personal
3 License on the ground that the licensee or the registrant has been convicted of a crime,
4 the board, in evaluating the rehabilitation of such person and his present eligibility for a
license will consider the following criteria:

5 (1) Nature and severity of the act(s) or offense(s).

6 (2) Total criminal record.

7 (3) The time that has elapsed since commission of the act(s) or offense(s).

8 (4) Whether the licensee has complied with all terms of parole, probation,
9 restitution or any other sanctions lawfully imposed against the licensee.

10 (5) Evidence, if any, of rehabilitation submitted by the licensee.

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

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

COSTS

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

DRUGS

22 18. Hydrocodone is a Schedule II controlled substance as designated by Health and
23 Safety Code section 11055, subdivision (b)(1)(I), and is a dangerous drug pursuant to Business
24 and Professions Code section 4022.

25 19. Hydrocodone bitartate with acetaminophen (hydrocodone APAP), sold
26 commercially as Norco, is a Schedule II controlled substance as designated by Title 21, Code of
27
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1 Federal Regulations section 1308.12, subdivision (b)(1)(vi), and it is designated as a Schedule III
2 controlled substance under (California) Health and Safety Code section 11056, subdivision (e)(4).

3 It is a dangerous drug pursuant to Business and Professions Code section 4022.

4 20. Oxycodone is a Schedule II controlled substance as designated by Health and Safety
5 Code section 11055; subdivision (b)(1)(M), and is a dangerous drug pursuant to Business and
6 Professions Code section 4022.

7 21. Sildenafil citrate, sold commercially as Viagra, is a dangerous drug pursuant to
8 Business and Professions Code section 4022.

9 **FIRST CAUSE FOR DISCIPLINE**

10 **(May 4, 2016 Criminal Convictions for Unlawful Sales/Transportation of Controlled**
11 **Substances & Embezzlement of Prescription Drugs)**

12 22. Respondent has subjected her registration to discipline under sections 490 and 4301,
13 subdivision (l) of the Code in that she was convicted of crimes that are substantially related to the
14 qualifications, duties, and functions of a pharmacy technician. The circumstances are as follows:

15 a. On or about May 4, 2016, in a criminal proceeding entitled *People of the State*
16 *of California v. Elizabeth Ashley Becerra*, in Riverside County Superior Court, case number
17 RIF1601981, Respondent was convicted on her plea of guilty to violating Health and Safety Code
18 section 11379, subdivision (a), willful, unlawful selling/transporting/furnishing/administering a
19 controlled substance, to wit, hydrocodone and Norco; and Penal Code section 503, embezzlement
20 of prescription drugs in excess of \$400, felonies. Pursuant to Respondent's plea agreement, the
21 court dismissed an additional felony count of prescription drug embezzlement (Pen. Code, § 503).

22 b. As a result of the convictions, on May 17, 2016, Respondent was granted
23 formal probation for 36 months, and she was committed to the custody of the sheriff in their
24 Electronic Monitoring Program (ankle bracelet). Respondent was ordered to pay fees and fines,
25 and restitution to the victim, submit to a Fourth Amendment waiver, abstain from the use or
26 possession of illegal controlled substances, submit to random drug tests, and additional conditions
27 of felony probation.

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1 c. The facts that led to the convictions are that on or about March 9, 2016, an
2 investigator with the Corona Police Department responded to a Rite Aid pharmacy in response to
3 a report of embezzlement. The pharmacy's loss prevention manager told the investigator that he
4 began to investigate the loss of Viagra and discovered that Respondent, one of their pharmacy
5 technicians, had been stealing drugs from the pharmacy. The loss prevention manager reviewed
6 surveillance video and discovered evidence of Respondent stealing drugs. Respondent also made
7 a hand-written confession and admitted to taking Viagra, oxycodone, hydrocodone, and cough
8 syrup with codeine. Respondent told the investigator she stole medications because she needed
9 some extra money. Respondent stated she would take tablets from prescription bottles that had
10 already been filled, and that she would sell Viagra and Norco tablets for \$5 each, hydrocodone
11 for \$4, and cough syrup for \$50 a bottle.

12 **SECOND CAUSE FOR DISCIPLINE**

13 **(Commission of Acts Involving Dishonesty, Fraud, Deceit & Corruption)**

14 23. Respondent has subjected her registration to discipline under section 4301,
15 subdivision (f) of the Code for unprofessional conduct in that she stole controlled substances and
16 dangerous drugs from her employer/pharmacy using fraud, deceit, and dishonesty, as described in
17 paragraph 22, above.

18 **THIRD CAUSE FOR DISCIPLINE**

19 **(Violation of California Statutes Regulating Controlled Substances)**

20 24. Respondent has subjected her registration to discipline under section 4301,
21 subdivision (j) of the Code for unprofessional conduct in that she knowingly violated Business
22 and Professions Code sections 4022, 4059, and 4060; and Health and Safety Code section 11379,
23 as described in paragraph 22, above.

24 **FOURTH CAUSE FOR DISCIPLINE**

25 **(Violating Federal & State Laws & Regulations Governing Pharmacy)**

26 25. Respondent has subjected her registration to discipline under section 4301,
27 subdivision (o) of the Code for unprofessional conduct in that she violated Title 21 U.S.C. section
28 843, subdivision (a)(3), Board of Pharmacy Regulations (California Code of Regulations, Title

1 16, Section 1700, et seq.), and the California Uniform Controlled Substances Act (Health and
2 Safety Code 11000, et seq.), when he obtained controlled substances using fraud and deceit, as
3 described in paragraph 22, above.

4 **PRAYER**

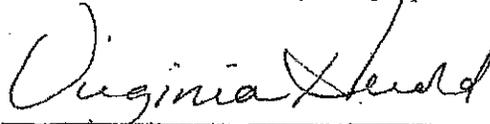
5 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
6 and that following the hearing, the Board of Pharmacy issue a decision:

7 1. Revoking or suspending Pharmacy Technician Registration Number TCH 126156,
8 issued to Elizabeth Ashley Becerra;

9 2. Ordering Elizabeth Ashley Becerra to pay the Board of Pharmacy the reasonable
10 costs of the investigation and enforcement of this case, pursuant to Business and Professions
11 Code section 125.3; and,

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

13
14 DATED: 10/14/16



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

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