

1 EDMUND G. BROWN JR.
Attorney General of California
2 GLORIA A. BARRIOS
Supervising Deputy Attorney General
3 KIMBERLEE D. KING
Deputy Attorney General
4 State Bar No. 141813
300 So. Spring Street, Suite 1702
5 Los Angeles, CA 90013
Telephone: (213) 897-2581
6 Facsimile: (213) 897-2804
Attorneys for Complainant
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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. 3319

13 **JESSICA NICOLE LAWRENCE**
1740 N. Laurel Ave.
14 Upland, CA 91784
15 **Pharmacy Technician Registration No. TCH**
49013

A C C U S A T I O N

16 Respondent.
17

18 Complainant alleges:

19 **PARTIES**

20 1. Virginia Herold (Complainant) brings this Accusation solely in her official capacity
21 as the Executive Officer of the Board of Pharmacy.

22 2. On or about August 25, 2003, the Board issued Pharmacy Technician Registration
23 Number TCH 49013 to Jessica Nicole Lawrence (Respondent). The Pharmacy Technician
24 Registration was in full force and effect at all times relevant to the charges brought herein and
25 will expire on October 31, 2010, unless renewed.

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JURISDICTION

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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 4300 of the Code provides, in pertinent part, that every license issued by the
5 board is subject to discipline, including suspension or revocation.

6 5. Section 4301 of the Code states:

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

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

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

16

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

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

1 qualifications, functions, and duties of a licensee under this chapter. A plea or verdict of guilty or
2 a conviction following a plea of nolo contendere is deemed to be a conviction within the meaning
3 of this provision. The board may take action when the time for appeal has elapsed, or the
4 judgment of conviction has been affirmed on appeal or when an order granting probation is made
5 suspending the imposition of sentence, irrespective of a subsequent order under Section 1203.4 of
6 the Penal Code allowing the person to withdraw his or her plea of guilty and to enter a plea of not
7 guilty, or setting aside the verdict of guilty, or dismissing the accusation, information, or
8 indictment.

9
10 "(o) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the
11 violation of or conspiring to violate any provision or term of this chapter or of the applicable
12 federal and state laws and regulations governing pharmacy, including regulations established by
13 the board or by any other state or federal regulatory agency.

14 "(p) Actions or conduct that would have warranted denial of a license."

15 6. Section 4060 of the Code states:

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

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1 b. On or about August 8, 2006, in a criminal proceeding entitled *The People of the State*
2 *of California v. Jessica Nicole Lawrence* in San Bernardino County, Rancho Cucamonga District
3 County Superior Court, Case No. FWV038178, Respondent pled guilty to violation of Penal
4 Code Section 484 F(A) (Forgery; Access Card), a misdemeanor . The court initially sentenced
5 Respondent to 3 years probation and 90 days in jail with a credit for time served. The sentence
6 was modified on October 16, 2008 to 2 years probation and 365 days in jail with credit for 43
7 days.

8 The circumstances surrounding the conviction are that on May 17, 2006, after Respondent
9 dropped her daughter off at a church day care center, she stole a purse from a parent's car parked
10 in the day care center parking lot. She was seen shortly thereafter on Albertson's security camera
11 possessing a wallet from the parent's purse and purchasing items with a credit card taken from the
12 stolen wallet. Respondent also used the credit card to purchase gas at a Union 76 gas station.

13 c. On or about June 9, 2006, in a criminal proceeding entitled *The People of the State of*
14 *California v. Jessica Nicole Lawrence* in San Bernardino County, Superior Court, Case No.
15 MWV096996, Respondent pled guilty to violation of Penal Code Section 490.5(a), a
16 misdemeanor. Respondent was fined and placed on 2 years probation.

17 The circumstances surrounding the conviction are that on April 15, 2005, Respondent stole
18 merchandise from J.C. Penney.

19 d. On or about March 8, 2006, in a criminal proceeding entitled *The People of the State*
20 *of California v. Jessica Nicole Lawrence* in San Bernardino County, Rancho Cucamonga District
21 County Superior Court, Case No. FWV037086, Respondent pled guilty to violation of Health and
22 Safety Code Section 11357(c) (Possess Marijuana over 1 oz.), a misdemeanor. Respondent was
23 fined and placed on 3 years probation.

24 The circumstances surrounding the conviction are that on November 11, 2005, San
25 Bernardino County Police were at Respondent's home regarding an investigation on another
26 matter. While inside of Respondent's home, police officers saw a marijuana cultivation system.

27 e. On or about February 13, 2002, in a criminal proceeding entitled *The People of the*
28 *State of California v. Jessica Nicole Lawrence* in San Bernardino County, Rancho Cucamonga

1 District Superior Court, Case No.FWV023604, Respondent pled guilty to violation of Penal Code
2 Section 496(A) (Receiving Stolen property), a misdemeanor. Respondent was fined and placed
3 on 2 years probation and 3 days in jail with credit for 3 days served.

4 The circumstances surrounding the conviction are that on September 7, 2001, Respondent
5 received property which she knew to be stolen.

6 **SECOND CAUSE FOR DISCIPLINE**

7 **(Act[s] Involving Moral Turpitude, Dishonesty, Fraud, Deceit or Corruption)**

8 11. Respondent is subject to disciplinary action under Business and Professions Code
9 section 4300 and 4301(f) of the Code on the grounds that Respondent committed multiple acts of
10 moral turpitude, dishonesty, fraud, deceit, and/or corruption as follows:

11 a. Complainant refers to, and by this reference incorporates, the allegations set forth
12 above in Paragraph 10, including its subparagraphs 10(a) through (e) as though fully set forth.

13 b. On or about November 11, 2005, Respondent entered S. William's home and stole
14 several items including jewelry. Respondent was identified by a neighbor who had seen
15 Respondent outside the home with S. William's dog. Police responded to a call from S.
16 William's regarding this incident which led to the conviction for marijuana cultivation that is
17 referred to in Paragraph 10(d).

18 **THIRD CAUSE FOR DISCIPLINE**

19 **(Making or Signing a False Document)**

20 12. Respondent is subject to disciplinary action under Business and Professions Code
21 section 4300 and 4301(g) of the Code on the grounds that Respondent signed a document with
22 someone's name other than her own while making a purchase with a stolen credit card. The
23 circumstances of this incident is fully set forth in Paragraph 10(b).

24 **FOURTH CAUSE FOR DISCIPLINE**

25 **(Violation of Statutes Regulating Controlled Substances and Dangerous Drugs.)**

26 13. Respondent is subject to disciplinary action under Business and Professions Code
27 section 4300 and 4301 (j) of the Code on the grounds that Respondent violated state and federal
28 laws regulating controlled substances and dangerous drugs. Complainant refers to, and by this

1 reference incorporates, the allegations set forth above in Paragraph 10, including its
2 subparagraphs 10(a) through (e) as though fully set forth.

3 **FIFTH CAUSE FOR DISCIPLINE**

4 **(Violation of Board Rules and Regulations)**

5 14. Respondent is subject to disciplinary action under Business and Professions Code
6 section 4300 and 4301(o) of the Code on the grounds that Respondent violated Board Rules and
7 Regulations. Complainant refers to, and by this reference incorporates, the allegations set forth
8 above in Paragraph 10, including its subparagraphs 10(a) through (e) as though fully set forth.

9 **SIXTH CAUSE FOR DISCIPLINE**

10 **(Conduct Warranting Denial of License)**

11 15. Respondent is subject to disciplinary action under Business and Professions Code
12 Section 4300 and 4301 (p) of the Code on the grounds that Respondent's aforementioned
13 conduct, would have warranted denial of a license. Complainant refers to, and by this reference
14 incorporates, the allegations set forth above in Paragraph 10, including its subparagraphs 10(a)
15 through (e) as though fully set forth.

16 **PRAYER**

17 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
18 and that following the hearing, the Board issue a decision:

19 1. Revoking or suspending Pharmacy Technician Registration Number TCH 49013,
20 issued to Jessica Nicole Lawrence.

21 2. Ordering Jessica Nicole Lawrence to pay the the reasonable costs of the investigation
22 and enforcement of this case, pursuant to Business and Professions Code section 125.3;

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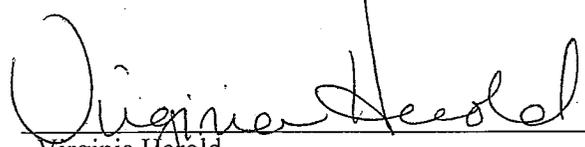
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3. Taking such other and further action as deemed necessary and proper.

DATED: 8/23/09



Virginia Herold
Executive Officer
Board of Pharmacy
State of California
Complainant

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