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

11  
12 In the Matter of the Accusation Against:

Case No. 5017

13 **BRITTANY NICOLE PLOUFFE**  
14 **68045 Empalmo**  
**Cathedral City, CA 92234**

**A C C U S A T I O N**

15 **Pharmacy Technician Registration No. TCH**  
16 **84697**

17 Respondent.

18 Complainant alleges:

19 **PARTIES**

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

22 2. On or about August 2, 2008, the Board of Pharmacy issued Pharmacy Technician  
23 Registration Number TCH 84697 to Brittany Nicole Plouffe (Respondent). The Pharmacy  
24 Technician Registration was in full force and effect at all times relevant to the charges brought  
25 herein and will expire on August 31, 2014, unless renewed.

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1 to the extent that the use impairs the ability of the person to conduct with safety to the public the  
2 practice authorized by the license.

3 "...

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

6 "... "

7 8. Health and Safety Code section 11357, subdivision (c) states:

8 "...

9 "Except as authorized by law, every person who possesses more than 28.5 grams of  
10 marijuana, other than concentrated cannabis, shall be punished by imprisonment in a county jail for  
11 a period of not more than six months or by a fine of not more than five hundred dollars (\$500), or  
12 by both such fine and imprisonment.

13 "... "

14 9. Health and Safety Code section 11358 states:

15 "Every person who plants, cultivates, harvests, dries, or processes any marijuana or any part  
16 thereof, except as otherwise provided by law, shall be punished by imprisonment pursuant to  
17 subdivision (h) of Section 1170 of the Penal Code."

18 10. Health and Safety Code section 11359 states:

19 "Every person who possesses for sale any marijuana, except as otherwise provided by law,  
20 shall be punished by imprisonment pursuant to subdivision (h) of Section 1170 of the Penal Code."

21 11. Health and Safety Code section 11379.6 states:

22 "(a) Except as otherwise provided by law, every person who manufactures, compounds,  
23 converts, produces, derives, processes, or prepares, either directly or indirectly by chemical  
24 extraction or independently by means of chemical synthesis, any controlled substance specified in  
25 Section 11054, 11055, 11056, 11057, or 11058 shall be punished by imprisonment pursuant to  
26 subdivision (h) of Section 1170 of the Penal Code for three, five, or seven years and by a fine not  
27 exceeding fifty thousand dollars (\$50,000).

28 "... "

1 **DRUGS**

2 12. Health and Safety Code section 11018 states:

3 “‘Marijuana’ means all parts of the plant Cannabis sativa L., whether growing or not; the  
4 seeds of that plant; the resin extracted from any part of the plant; and every compound,  
5 manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin. It does not  
6 include industrial hemp, as defined in Section 11018.5, except where the plant is cultivated or  
7 processed for purposes not expressly allowed for by Division 24 (commencing with Section  
8 81000) of the Food and Agricultural Code.”

9 13. Health & Safety Code section 11006.5 states:

10 “‘Concentrated cannabis’ means the separated resin, whether crude or purified, obtained  
11 from marijuana.”

12 14. Marijuana is a Schedule I controlled substance as designated by Health and Safety  
13 Code section 11054, subdivision (d)(13) and a dangerous drug pursuant to Code section 4022. It  
14 is a hallucinogenic drug. Concentrated cannabis is also known as “hash oil” or “honey oil.”

15 **COSTS**

16 15. Section 125.3 of the Code states, 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.

20 **FIRST CAUSE FOR DISCIPLINE**

21 **(Unprofessional Conduct-Act of Moral Turpitude)**

22 16. Respondent is subject to disciplinary action under Code sections 4301, subdivision (f)  
23 in that Respondent possessed marijuana for sale and dried or processed marijuana, acts of moral  
24 turpitude. The circumstances are as follows:

25 17. On June 18, 2013, agents from the Mendocino Major Crimes Task Force traveled past  
26 a residential property in Willits and saw two large greenhouses behind it. The greenhouses were  
27 covered with translucent plastic and were about 12’ wide by 25’ long by 12’ high. The agents saw  
28

1 marijuana plants in one of the greenhouses. The agents followed a vehicle that was parked in front  
2 of this residence and pulled the driver over for traffic violations.

3 18. The agents spoke with the driver, Eric Y. Respondent, one other adult man (Lukas  
4 D.), and two children were also in the vehicle. Eric told the agents that he lived on the property  
5 and was growing 21 marijuana plants on it. The agents took everyone back to the property and  
6 got a warrant to search it.

7 19. The agents searched the residence and found the following:

- 8 a. dried bud marijuana inside of a turkey bag;
- 9 b. a green military ammo canister that had \$1,800.00 in fifty dollar denominations;
- 10 c. three large plastic grow beds;

- 11 d. 50 growing marijuana plants about 12" high;
- 12 e. 76 growing marijuana plants that were rooted and about 18" high;
- 13 f. two small hydro cloning beds which contained 100 non rooted marijuana clones;
- 14 g. three large plastic bins that had dried, untrimmed marijuana bud.

15 20. The agents searched one of the greenhouses and found twenty-three growing  
16 marijuana plants that were planted in large bag style pots and 10 gallon plastic buckets.

17 21. The agents then searched a nearby shed. Respondent told them that she and Lukas D.  
18 stayed in the shed. When the agents opened the shed, they immediately smelled a strong odor of  
19 marijuana and chemicals. The officers found inside of Respondent's shed the following:

- 20 a. pieces of wax paper and a paper plate that had honey oil chunks;
- 21 b. a large metal pipe about 3' in height that had honey oil residue and smelled like chemicals  
22 and marijuana;
- 23 c. a digital scale;
- 24 d. a case of full butane canisters with one of the boxes removed and sitting on the counter;
- 25 e. twelve bags of marijuana;
- 26 f. several glass baking dishes that had honey oil residue;
- 27 g. a mobile phone that had several text messages regarding the sale of marijuana.

28



1 **DISCIPLINE CONSIDERATIONS**

2 30. To determine the degree of discipline, if any, to be imposed on Respondent,  
3 Complainant alleges that on or about January 8, 2013, the Board of Pharmacy issued Citation  
4 Number CI 2011 51159 and ordered Respondent to pay a fine of \$400.00. The Citation charged  
5 Respondent with a violation of Code section 4301, subdivision (h) and subdivision (l). It alleged  
6 that in 2012, Respondent was convicted of violating Vehicle Code section 23152, subdivisions (a)  
7 and (b), with an enhancement of blood alcohol content of more than 0.15%. That Citation is now  
8 final and is incorporated by reference as if fully set forth.

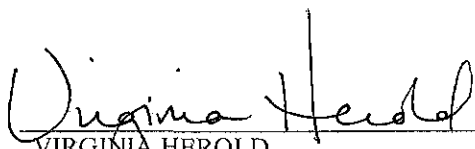
9 **PRAYER**

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

- 12 1. Revoking or suspending Pharmacy Technician Registration Number TCH 84697,  
13 issued to Brittany Nicole Plouffe;
- 14 2. Ordering Brittany Nicole Plouffe to pay the Board of Pharmacy the reasonable costs of  
15 the investigation and enforcement of this case, pursuant to Business and Professions Code section  
16 125.3; and
- 17 3. Taking such other and further action as deemed necessary and proper.

18  
19  
20 DATED: \_\_\_\_\_

2/14/14



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

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