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Attorneys for Complainant

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

In the Matter of the Accusation Against: MARGO RENEE LAWRENCE 1015 Opal Street San Diego, CA 92109 Pharmacy Technician Registration No. 22713 Respondent.	Case No. 2811 **STIPULATED SURRENDER OF LICENSE AND ORDER**

IT IS HEREBY STIPULATED AND AGREED by and between the parties in this proceeding that the following matters are true:

PARTIES

1. Patricia F. Harris (Complainant) is the Executive Officer of the Board of Pharmacy. She brought this action solely in her official capacity and is represented in this matter by Bill Lockyer, Attorney General of the State of California, by Susan Fitzgerald, Deputy Attorney General.

2. Margo Renee Lawrence (Respondent) is representing herself in this proceeding and has chosen not to exercise her right to be represented by counsel.

3. On or about June 11, 1997, the Board of Pharmacy issued Pharmacy Technician Registration No. 22713 to Margo Renee Lawrence. The Registration was in full force and effect at all times relevant to the charges brought in Accusation No. 2811 and will expire on September

30, 2006, unless renewed.

JURISDICTION

4. Accusation No. 2811 was filed before the Board of Pharmacy (Board), Department of Consumer Affairs, and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent on December 20, 2003. Respondent timely filed her Notice of Defense contesting the Accusation. A copy of Accusation No. 2811 is attached as exhibit A and incorporated herein by reference.

ADVISEMENT AND WAIVERS

5. Respondent has carefully read, and understands the charges and allegations in Accusation No. 2811. Respondent also has carefully read, and understands the effects of this Stipulated Surrender of License and Order.

6. Respondent is fully aware of her legal rights in this matter, including the right to a hearing on the charges and allegations in the Accusation; the right to be represented by counsel, at her own expense; the right to confront and cross-examine the witnesses against her; the right to present evidence and to testify on her own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.

7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

8. Respondent understands that by signing this stipulation she enables the Board to issue an order accepting the surrender of her Pharmacy Technician Registration without further process. She further understands that the Board's order shall constitute the imposition of discipline against her; that this stipulation constitutes a record of the discipline and shall become a part of Respondent's license history with the Board.

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9. The parties understand and agree that facsimile copies of this Stipulated Surrender of License and Order, including facsimile signatures thereto, shall have the same force and effect as the originals.

10. Costs of investigation and enforcement of this matter are $1,217.25 through January 13, 2005.

11. Respondent understands and agrees that if she ever applies to the Board for licensure or petitions for reinstatement in the State of California, the Board shall treat it as a new application for licensure. Respondent must comply with all the laws, regulations and procedures for licensure in effect at the time the application or petition is filed, and all of the charges and allegations contained in Accusation No. 2811 shall be deemed to be true, correct, and admitted by Respondent when the Board determines whether to grant or deny the application or petition.

Respondent agrees that she shall not apply to the Board for any licensure of any kind for three (3) years from the effective date of the Board's decision in this case.

CONTINGENCY

12. This stipulation shall be subject to approval by the Board of Pharmacy. Respondent understands and agrees that counsel for Complainant and the staff of the Board of Pharmacy may communicate directly with the Board regarding this stipulation and settlement, without notice to or participation by Respondent. By signing the stipulation, Respondent understands and agrees that she may not withdraw her agreement or seek to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order, the Stipulated Surrender and Disciplinary Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not be disqualified from further action by having considered this matter.

13. In consideration of the foregoing stipulations, the parties agree that the Board may, without further notice or formal proceeding, issue and enter the following Order:

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ORDER

IT IS HEREBY ORDERED that Pharmacy Technician Registration No. 22713, issued to Respondent Margo Renee Lawrence is surrendered and accepted by the Board of Pharmacy.

1. The surrender of Respondent's Pharmacy Technician Registration and the acceptance of the surrendered license by the Board shall constitute the imposition of discipline against Respondent. This stipulation constitutes a record of the discipline and shall become a part of Respondent's license history with the Board.

2. Respondent shall lose all rights and privileges as a pharmacy technician in California as of the effective date of the Board's Decision and Order.

3. Respondent shall cause to be delivered to the Board both her registration wall and pocket license certificate on or before the effective date of the Decision and Order.

4. Respondent understands and agrees that if she ever applies for licensure or petitions for reinstatement in the State of California, the Board shall treat it as a new application for licensure. Respondent must comply with all the laws, regulations and procedures for licensure in effect at the time the application or petition is filed, and all of the charges and allegations contained in Accusation No. 2811 shall be deemed to be true, correct, and admitted by Respondent when the Board determines whether to grant or deny the application or petition.

5. Respondent shall pay the Board its costs of investigation and enforcement in the amount of $1,217.25 before issuance of a new or reinstated license.

ACCEPTANCE

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

DATED: 1/22/05.

Margo Lawrence

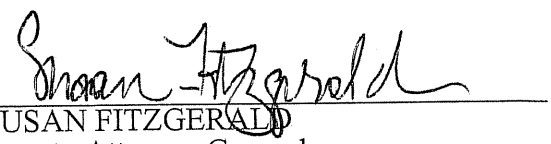
MARGO RENEE LAWRENCE
Respondent

ENDORSEMENT

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

DATED: 1/28/05.

BILL LOCKYER, Attorney General
of the State of California



SUSAN FITZGERALD
Deputy Attorney General

Attorneys for Complainant

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BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against: MARGO RENEE LAWRENCE 1015 Opal Street San Diego, CA 92109 Pharmacy Technician Registration No. 22713 Respondent.	Case No. 2811

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 on March 30, 2005.

It is so ORDERED February 28, 2005.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

By

STANLEY W. GOLDENBERG
Board President

Exhibit A

Accusation No. 2811

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

In the Matter of the Accusation Against: Margo Renee Lawrence 1015 Opal Street San Diego, CA 92109 Respondent.	Case No. 2811 **ACCUSATION**

Complainant alleges:

PARTIES

1. Patricia F. Harris (Complainant) brings this Accusation solely in her official capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs.

2. On or about June 11, 1997, the Board of Pharmacy issued Pharmacy Technician Registration Number 22713 to Margo Renee Lawrence (Respondent). The Pharmacy Technician Registration was in full force and effect at all times relevant to the charges brought herein and will expire on August 31, 2006, unless renewed.

JURISDICTION

3. This Accusation is brought before the Board of Pharmacy (Board), Department of Consumer Affairs, under the authority of the following sections of the Business and Professions Code:

A. 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, or veterinarian. A person may not furnish any dangerous device, except upon the prescription of a physician, dentist, podiatrist, optometrist, or veterinarian.

B. Section 4060 of the Code states in pertinent part:

"No person shall possess any controlled substance, except that furnished to a person upon the prescription of a physician, dentist, podiatrist, or veterinarian, or furnished pursuant to a drug order issued by a certified nurse-midwife pursuant to Section 2746.51, a nurse practitioner pursuant to Section 2836.1, or a physician assistant pursuant to Section 3502.1. This section shall not apply to the possession of any controlled substance by a manufacturer, wholesaler, pharmacy, physician, podiatrist, dentist, veterinarian, certified nurse-midwife, nurse practitioner, or physician assistant, when in stock in containers correctly labeled with the name and address of the supplier or producer.

". . . ."

C. Section 4301 of the Code states in pertinent part:

"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 of the United States regulating controlled substances and dangerous drugs.

". . . ."

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

4. This Accusation also refers to the following sections of the California Health & Safety Code:

A. H&S Code section 11170 provides that "no person shall prescribe, administer, or furnish a controlled substance for himself."

B. H&S Code section 11350 provides that it is illegal for anyone to possess a controlled substance without a legitimate prescription.

DRUGS

5. Xanax is a brand name for Alprazolam, a Schedule IV controlled substance under H&S Code section 11057.

6. Vicodin is a brand name for hydrocodone w/acetaminophen, a Schedule III controlled substance under H&S Code section 11056.

7. Albuterol, an asthma inhalant, is a dangerous drug pursuant to Code section 4022.

8. Adipex is a brand name for Phentermine, a Schedule IV controlled substance under H&S Code section 11057.

9. Aviane is a brand name for ethinyl estradiol/levonorgestrel, birth control medication, and a dangerous drug pursuant to Code section 4022.

10. Soma is a brand name for carisprodol, a dangerous drug pursuant to Code section 4022.

CHARGES AND ALLEGATIONS

First Cause for Discipline

(Unprofessional Conduct: Moral Turpitude, Dishonesty, Fraud, Deceit or Corruption)

11. Respondent is subject to disciplinary action under section 4301(f), on multiple counts, for acts of theft from, and fraud on, Longs #538 in San Diego, California during the two years between approximately October, 2001 and October, 2003 when she worked at that

pharmacy. The circumstances are as follows:

A. During her employment with Longs #538, Respondent committed time card fraud, usually by not punching out for lunch and also by writing incorrect times on her time cards.

B. Respondent stole merchandise from the pharmacy, including photos, magazines, hair care products and food.

C. Respondent stole Albuterol, Aviane, alprazolam, hydrocodone with APAP and Soma from the pharmacy. She took some of the drugs herself and gave some to friends.

Second Cause for Discipline

(Unprofessional Conduct: Illegal Possession of Controlled Substances)

12. Respondent is subject to disciplinary action under section 4301(j) in conjunction with both Code section 4060 and H&S Code section 11350(a) in that she illegally possessed alprazolam and hydrocodone w/APAP, as more particularly alleged in paragraph 11 above and incorporated herein by reference.

Third Cause for Discipline

(Unprofessional Conduct: Illegal Furnishing of Controlled Substances)

13. Respondent is subject to disciplinary action under section 4301(j) in conjunction with both Code section 4059(a) and H&S Code section 11170 in that she illegally furnished alprazolam and hydrocodone w/APAP at least to herself, if not others also, as more particularly alleged in paragraph 11 above and incorporated herein by reference.

PRAYER

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

1. Revoking or suspending Pharmacy Technician Registration Number 22713, issued to Margo Renee Lawrence;

2. Ordering Margo Renee Lawrence to pay the Board of Pharmacy the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;

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

DATED: 12/10/04

P. F. Harris

PATRICIA F. HARRIS
Executive Officer
Board of Pharmacy
Department of Consumer Affairs
State of California
Complainant