

1 BILL LOCKYER, Attorney General  
of the State of California  
2 JAMES M. LEDAKIS, State Bar No. 132645  
Deputy Attorney General  
3 California Department of Justice  
110 West "A" Street, Suite 1100  
4 San Diego, CA 92101  
5 P.O. Box 85266  
San Diego, CA 92186-5266  
6 Telephone: (619) 645-2105  
Facsimile: (619) 645-2061  
7  
8 Attorneys for Complainant

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

12 In the Matter of the Accusation Against:

13 TRACI KATHLEEN MOORE  
14 5516 W Davit  
Santa Ana, CA 92704

15 Pharmacy Technician Registration No. 41209

16 Respondent.  
17

Case No. 2838

OAH No. L2005030497

**STIPULATED SURRENDER OF  
LICENSE AND ORDER**

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

20 PARTIES

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

25 2. TRACI KATHLEEN MOORE (Respondent) is representing herself in this  
26 proceeding and has chosen not to exercise her right to be represented by counsel.

27 3. On or about July 23, 2003, the Board of Pharmacy issued Pharmacy  
28 Technician Registration No. 41209 to TRACI KATHLEEN MOORE. The Registration was in

1 full force and effect at all times relevant to the charges brought in Accusation No. 2838 and will  
2 expire on May 31, 2005, unless renewed.

3 JURISDICTION

4 4. Accusation No. 2838 was filed before the Board of Pharmacy, and is  
5 currently pending against Respondent. The Accusation and all other statutorily required  
6 documents were properly served on Respondent on April 7, 2005. Respondent timely filed her  
7 Notice of Defense contesting the Accusation. A copy of Accusation No. 2838 is attached as  
8 exhibit A and incorporated herein by reference.

9 ADVISEMENT AND WAIVERS

10 5. Respondent has carefully read, and understands the charges and allegations  
11 in Accusation No. 2838. Respondent also has carefully read, and understands the effects of this  
12 Stipulated Surrender of License and Order.

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

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

22 CULPABILITY

23 8. Respondent admits the truth of each and every charge and allegation in  
24 Accusation No. 2838, agrees that cause exists for discipline and hereby surrenders her Pharmacy  
25 Technician Registration No. 41209 for the Board's formal acceptance.

26 9. Respondent understands that by signing this stipulation, she enables the  
27 Director to issue an order accepting the surrender of her Pharmacy Technician Registration  
28 without further process.



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

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: June 6, 2005.

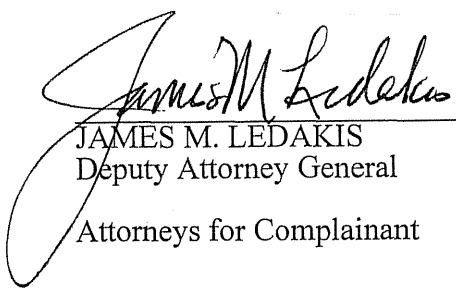
  
\_\_\_\_\_  
TRACI KATHLEEN MOORE  
Respondent

ENDORSEMENT

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

DATED: June 13, 2005.

BILL LOCKYER, Attorney General  
of the State of California

  
\_\_\_\_\_  
JAMES M. LEDAKIS  
Deputy Attorney General  
Attorneys for Complainant

DOJ Matter ID: SD2005700009  
70021768.wpd

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

In the Matter of the Accusation Against:

TRACI KATHLEEN MOORE  
5516 W Davit  
Santa Ana, CA 92704

Case No. 2838

OAH No. L2005030497

Pharmacy Technician Registration No. 41209

Respondent.

DECISION AND ORDER

The attached Stipulated Surrender of License and Order is hereby adopted by the Board of Pharmacy, as its Decision in this matter.

This Decision shall become effective on August 12, 2005.

It is so ORDERED July 13, 2005.

BOARD OF PHARMACY  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

By

  
STANLEY W. GOLDENBERG  
Board President

**Exhibit A**  
**Accusation No. 2838**

1 BILL LOCKYER, Attorney General  
of the State of California  
2 JAMES M. LEDAKIS, State Bar No. 132645  
Deputy Attorney General  
3 California Department of Justice  
110 West "A" Street, Suite 1100  
4 San Diego, CA 92101  
5 P.O. Box 85266  
San Diego, CA 92186-5266  
6 Telephone: (619) 645-2105  
Facsimile: (619) 645-2061  
7  
8 Attorneys for Complainant

9  
10 **BEFORE THE**  
**BOARD OF PHARMACY**  
**DEPARTMENT OF CONSUMER AFFAIRS**  
**STATE OF CALIFORNIA**  
11

12 In the Matter of the Accusation Against:

OAH No.

13 TRACI KATHLEEN MOORE  
14 5516 W Davit  
Santa Ana, CA 92704

Case No. 2838

15 Pharmacy Technician Registration No. 41209

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

16 Respondent.  
17

18 Complainant alleges:

19 PARTIES

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

23 2. On or about July 23, 2003, the Board of Pharmacy issued Original  
24 Pharmacy Technician Registration No. TCH 41209 to TRACI KATHLEEN MOORE  
25 (Respondent). Said license will expire on May 31, 2005, unless renewed.

26 JURISDICTION

27 3. This Accusation is brought before the Board of Pharmacy (Board), under  
28 the authority of the following sections of the Business and Professions Code (Code).

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

4. Section 4300 of the Code states:

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

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

.....

5. 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.

(h) The administering to oneself, of any controlled

substance, or the use of any dangerous drug or of alcoholic beverages to the extent or in a manner as to be dangerous or injurious to oneself, to a person holding a license under this chapter, or to any other person or to the public, or to the extent that the use impairs the ability of the person to conduct with safety to the public the practice authorized by the license.

.....

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

.....

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



1 to enter a plea of not guilty, or setting aside the verdict of guilty, or  
2 dismissing the accusation, information, or indictment.

.....

3 (p) Actions or conduct that would have warranted denial of  
4 a license.

.....

5  
6 6. Section 4060 of the Code states:

7 No person shall possess any controlled substance, except  
8 that furnished to a person upon the prescription of a physician, dentist,  
9 podiatrist, or veterinarian, or furnished pursuant to a drug order issued by a  
10 certified nurse-midwife pursuant to Section 2746.51, a nurse practitioner  
11 pursuant to Section 2836.1, or a physician assistant pursuant to Section  
12 3502.1. This section shall not apply to the possession of any controlled  
13 substance by a manufacturer, wholesaler, pharmacy, physician, podiatrist,  
14 dentist, veterinarian, certified nurse-midwife, nurse practitioner, or  
15 physician assistant, when in stock in containers correctly labeled with the  
16 name and address of the supplier or producer.

.....

13 7. Section 118, subdivision (b), of the Code provides that the  
14 suspension/expiration/surrender/cancellation of a license shall not deprive the Board of  
15 jurisdiction to proceed with a disciplinary action during the period within which the license may  
16 be renewed, restored, reissued or reinstated.

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

21 **Statement of Alleged Facts:**

22 9. On August 11, 2004, officers were investigating a possible domestic  
23 violence disturbance. While at her residence, officers observed respondent and determined that  
24 she was under the influence of some kind of stimulant. Later, respondent admitted to smoking  
25 methamphetamine and that she had a drug problem. Respondent was arrested for being under the  
26 influence of methamphetamine, a controlled substance. On October 21, 2004, in Orange County  
27 Superior Court in criminal Case No. 04WM09557, respondent pled guilty to a violation of  
28 Health & Safety Code section 11550, for being under the influence of a controlled substance.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**FIRST CAUSE FOR DISCIPLINE**

(Unprofessional Conduct for Acts Involving Moral Turpitude)

J. Respondent is subject to disciplinary action under section 4301(f) in that Respondent was arrested and convicted for being under the influence of a controlled substance as set forth in paragraph 9, above.

**SECOND CAUSE FOR DISCIPLINE**

(Unprofessional Conduct for Self Administration of Drugs)

K. Respondent is subject to disciplinary action under section 4301(h) in that she admitted to administering to herself, a controlled substance, specifically, methamphetamine, in violation of Health and Safety Code section 11550, as set forth in paragraph 9, above.

**THIRD CAUSE FOR DISCIPLINE**

(Unprofessional Conduct for Violation of Law)

L. Respondent is subject to disciplinary action under section 4301(j) in that Respondent was convicted of violating Health & Safety Code section 11550, a misdemeanor, in the Superior Court for the County of Orange as set forth paragraphs 9, above.

**FOURTH CAUSE FOR DISCIPLINE**

(Unprofessional Conduct for Conviction of Crime Substantially Related to Duties of a Pharmacy Technician)

M. Respondent is subject to disciplinary action under section 4301(l) in that Respondent pled guilty to possession of controlled substances resulting in a conviction for violation of Health & Safety Code section 11550 as set forth in paragraph 9, above.

**FIFTH CAUSE FOR DISCIPLINE**

(Unprofessional Conduct for Engaging in Conduct Warranting Denial of a License)

N. Respondent is subject to disciplinary action under section 4301(p) in that her conduct as set forth above would warrant the denial of a Pharmacist technician license as set forth in paragraph 9, above.

1 PRAYER

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

4 A. Revoking or suspending TCH License No. 41209, issued to TRACI  
5 KATHLEEN MOORE;

6 B. Ordering TRACI KATHLEEN MOORE to pay the Board of Pharmacy the  
7 reasonable costs of the investigation and enforcement of this case, pursuant to Business and  
8 Professions Code section 125.3;

9 C. Taking such other and further action as deemed necessary and proper.

10  
11 DATED: 2/22/05

12  
13 P. F. Harris  
14 PATRICIA F. HARRIS  
15 Executive Officer  
16 Board of Pharmacy  
17 Department of Consumer Affairs  
18 State of California  
19 Complainant  
20  
21  
22  
23  
24  
25  
26  
27  
28