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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:	Case No. 2936
ANGELA THOMPSON 26455 Via Conchita Mission Viejo, CA 92691 Pharmacy Technician License No. 38526 Respondent.	**STIPULATED SURRENDER OF LICENSE AND ORDER**

In the interest of a prompt and speedy resolution of this matter, consistent with the public interest and the responsibility of the Board of Pharmacy of the Department of Consumer Affairs, the parties hereby agree to the following Stipulated Surrender of License and Order which will be submitted to the Board for approval and adoption as the final disposition of the Accusation.

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 Diane de Kervor, Deputy Attorney General.

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

3. On or about October 31, 2001, the Board of Pharmacy issued Pharmacy Technician License No. 38526 to ANGELA THOMPSON (Respondent). The License was in full force and effect at all times relevant to the charges brought in Accusation No. 2936 and will expire on September 30, 2007, unless renewed.

JURISDICTION

4. Accusation No. 2936 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 March 6, 2006. Respondent timely filed her Notice of Defense contesting the Accusation. A copy of Accusation No. 2936 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. 2936. 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.

CULPABILITY

8. Respondent admits the truth of each and every charge and allegation in Accusation No. 2936, agrees that cause exists for discipline and hereby surrenders her Pharmacy Technician License No. 38526 for the Board's formal acceptance.

9. Respondent understands that by signing this stipulation she enables the

Board to issue an order accepting the surrender of her Pharmacy Technician License without further process.

CONTINGENCY

10. 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 surrender, 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.

11. 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.

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

ORDER

IT IS HEREBY ORDERED that Pharmacy Technician License No. 38526, issued to Respondent ANGELA THOMPSON is surrendered and accepted by the Board of Pharmacy.

13. The surrender of Respondent's Pharmacy Technician License 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.

14. 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.

15. Respondent shall cause to be delivered to the Board her Wall License on or before the effective date of the Decision and Order.

16. Respondent fully understands and agrees that if she ever files an application for licensure or a petition for reinstatement in the State of California, the Board shall treat it as a new application. Respondent must comply with all the laws, regulations and procedures for reinstatement of a revoked license in effect at the time the petition is filed, and all of the charges and allegations contained in Accusation No. 2936 shall be deemed to be true, correct and admitted by Respondent when the Board determines whether to grant or deny the petition.

17. Should Respondent ever apply or reapply for a new license or certification, or petition for reinstatement of a license, by any other heath care licensing agency in the State of California, all of the charges and allegations contained in Accusation, No. 2936 shall be deemed to be true, correct, and admitted by Respondent for the purpose of any Statement of Issues or any other proceeding seeking to deny or restrict licensure.

18. Respondent shall pay the Board its costs of investigation and enforcement in the amount of $3,248.50 prior to 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 License. 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: 4-3-06

Angela Thompson

ANGELA THOMPSON
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: April 4, 2006

BILL LOCKYER, Attorney General
of the State of California

Diane de Kervor

DIANE DE KERVOR
Deputy Attorney General

Attorneys for Complainant

DOJ Matter ID: SD2005800171
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BEFORE THE
BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against: ANGELA THOMPSON 26455 Via Conchita Mission Viejo, CA 92691 Pharmacy Technician License No. 38526 Respondent.	Case No. 2936

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 May 31, 2006.

It is so ORDERED May 1, 2006.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

By _____
STANLEY W. GOLDENBERG
Board President

Exhibit A

Accusation No. 2936

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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: **ANGELA MARIE THOMPSON** 26455 Via Conchita Mission Viejo, CA 92691 Pharmacy Technician No. TCH 38526 Respondent.	Case No. 2936 OAH No. **A C C U S A T I O N**

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 March October 31, 2001, the Board of Pharmacy issued Original Pharmacy Technician Registration Number TCH 38526 to Angela Marie Thompson (Respondent). The license was in full force and effect at all times relevant to the charges herein and will expire on September 30, 2007, unless renewed.

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JURISDICTION

3. This Accusation is brought before the Board of Pharmacy (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

4. Section 118, subdivision (b), of the Code provides that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued or reinstated.

5. Section 480 of the Code states, in pertinent part:

> (a) A board may deny a license regulated by this code on the grounds that the applicant has one of the following:
>
> (1) Been convicted of a crime. A conviction within the meaning of this section means a plea or verdict of guilty or a conviction following a plea of nolo contendere. Any action which a board is permitted to take following the establishment of a conviction may be taken 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 the provisions of Section 1203.4 of the Penal Code.
>
> (2) Done any act involving dishonesty, fraud or deceit with the intent to substantially benefit himself or another, or substantially injure another; or
>
> (3) Done any act which if done by a licentiate of the business or profession in question, would be grounds for suspension or revocation of license.
>
> The board may deny a license pursuant to this subdivision only if the crime or act is substantially related to the qualifications, functions or duties of the business or profession for which application is made.

6. Section 490 of the Code states:

> A board may suspend or revoke a license on the ground that the licensee has been convicted of a crime, if the crime is substantially related to the qualifications, functions, or duties of the business or profession for which the license was issued. A conviction within the meaning of this section means a plea or verdict of guilty or a conviction following a plea of nolo contendere. Any action which a board is permitted to take following the establishment of a conviction may be taken 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 the provisions of Section 1203.4 of the Penal Code.

7. 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 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.'

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

. . . .

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

. . . .

9. 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.

DRUGS

10. **Ambien**, which has the generic name **Zolpidem**, is a dangerous drug pursuant to section 4022 and a schedule IV controlled substance pursuant to Health and Safety Code section 11057(d)(32). Ambien, a depressant, is used to treat insomnia.

11. **Augmentin**, which has the generic name **Amoxicillin/Clavulanate**, is a dangerous drug pursuant to section 4022. Augmentin is an antibiotic.

12. **Clonazepam**, generic for **Klonopin**, is a dangerous drug pursuant to section 4022 and a schedule IV controlled substance pursuant to Health and Safety Code section 11057(d)(7). Clonazepam, a depressant, is used to treat seizures.

13. **Methamphetamine** is a schedule II controlled substance pursuant to Health and Safety Code section 11055(d)(2). Methamphetamine is a stimulant.

14. **Trazodone**, generic for **Desyril**, is a dangerous drug pursuant to section 4022. Trazodone is used to treat depression.

15. **Viagra**, which has the generic name **Sildenafil**, is a dangerous drug pursuant to section 4022. Viagra is used to treat erectile dysfunction.

16. **Zoloft**, which has the generic name **Sertraline**, is a dangerous drug pursuant to section 4022. Zoloft is used to treat depression.

FIRST CAUSE FOR DISCIPLINE

(2004 Criminal Conviction - Receiving Stolen Property, Possession of a Designated Substance, and Possession of a Controlled Substance Without a Prescription)

17. Respondent is subject to disciplinary action under section 4301, subdivisions (f), (j), (l) and (o) as well as 480(a), 490, and 493 in that on or about September 30, 2004, Respondent pled guilty to the following charges, all misdemeanors: (1) Penal Code section

17(b) (Receiving Stolen Property); Health and Safety Code section 11375 (b)(2) (Possession of a Designated Substance - Clonazepam); and Business and Professions Code section 4060 (Possession of a Controlled Substance Without a Prescription- Ambien and Clonazepam.)

18. The facts and circumstances surrounding this conviction are as follows. On or about April 16, 2004, the Tustin Police Department conducted a traffic stop and arrested Respondent for possession of controlled substances. The officers collected the following drugs from Respondent's vehicle: 3 bottles of 100 tablets of Ambien 10mg; 1 bottle of 100 tablets of Clonazepam 1 mg; 1 bottle of 100 tablets of Trazodone 100 mg; 1 bottle of 100 tablets of Zoloft 100 mg; 2 bottles of Augmentin 600 mg powder; and two empty bottles of Viagra 100 mg and 50 mg. Respondent admitted that she stole the substances from her previous employer, Sav-On Drugs.

19. For this conviction, Respondent was sentenced to a term of 3 years of informal probation and 30 days in Jail.

SECOND CAUSE FOR DISCIPLINE

(2004 Criminal Conviction - Possession of Methamphetamine For Sale)

20. Respondent is subject to disciplinary action under section 4301, subdivisions (f), (j), (l) and (o) as well as 480(a), 490, and 493 in that on or about December 29, 2004, Respondent pled guilty to a violation of Health and Safety Code section 11378 (Possession of Methamphetamine For Sale), a felony.

21. The facts and circumstances surrounding this conviction are as follows: On or about December 19, 2004 the Anaheim Police Department arrested Respondent for possession of a controlled substance for sale. A quantity of Methamphetamine was found in Respondent's vehicle.

22. Respondent was sentenced to serve 120 days in jail, to pay a fine of $200.00, and to 3 years of formal probation.

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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 TCH 38526, issued to Angela Thompson.

2. Ordering Angela Thompson 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;

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

DATED: 2/24/06

P. F. Harris

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

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