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

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|---|---|
| In the Matter of the Accusation Against:<br><br>ERIN CATHERINE OWEN<br>2131 Woodhaven Court<br>Fairfield, CA 94533<br><br>Pharmacy Technician No. TCH 47031<br><br>Respondent. | Case No. 3011 |

## 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 2, 2007.

It is so ORDERED April 2, 2007.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

By William Powers
WILLIAM POWERS
Board President

EDMUND G. BROWN JR., Attorney General
of the State of California
ARTHUR TAGGART,
Supervising Deputy Attorney General
ELENA L. ALMANZO, State Bar No. 131058
Deputy Attorney General
California Department of Justice
1300 I Street, Suite 125
P.O. Box 944255
Sacramento, CA 94244-2550
Telephone: (916) 322-5524
Facsimile: (916) 327-8643

Attorneys for Complainant

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

PARTIES

1. Virginia Herold (Complainant) is the Interim Executive Officer of the Board of Pharmacy. She brought this action solely in her official capacity and is represented in this matter by Edmund G. Brown Jr., Attorney General of the State of California, by Elena L. Almanzo, Deputy Attorney General.

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

3. On or about November 14, 2003, the Board of Pharmacy issued Pharmacy Technician No. TCH 47031 to Erin Catherine Owen (Respondent). Said license will expire September 30, 2007, unless renewed.

## JURISDICTION

4. The Accusation in Case No. 3011 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 November 7, 2006. Respondent timely filed her Notice of Defense contesting the Accusation. A copy of Accusation No. 3011 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. 3011. Respondent also has carefully read, and fully 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. 3011, agrees that cause exists for discipline and hereby surrenders her Pharmacy Technician No. TCH 47031 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 without further process.

10. Respondent avers in mitigation that she is remorseful for her conduct. She has completed an outpatient program with the Sierra Council on Alcoholism and Drug

Dependence and has continued to attend self-help meetings offered through Placer County Drug Court.

CONTINGENCY

11. 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.

OTHER MATTERS

12. 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.

13. 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 No. TCH 47031, issued to Respondent Erin Catherine Owen is surrendered and accepted by the Board of Pharmacy.

14. The surrender of Respondent's Pharmacy Technician 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.

15. 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.

16. Respondent shall cause to be delivered to the Board her Technician wall certificate on or before the effective date of the Decision and Order.

17. 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 an application for a new license. Respondent must comply with all the laws, regulations and procedures for a new license in effect at the time the her application is filed, and all of the charges and allegations contained in Accusation No. 3011 shall be deemed to be true, correct and admitted by Respondent when the Board determines whether to grant or deny the license application.

18. The earliest date Respondent may apply for licensure is three years from the effective date of this decision.

19. Should Respondent ever apply or reapply for a new license or certification, or petition for reinstatement of a license, by any other health care licensing agency in the State of California, all of the charges and allegations contained in Accusation, No. 3011 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.

20. Respondent shall pay the Board its costs of investigation and enforcement in the amount of $2,291.00 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 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: 2/16/07.

Erin Owen

Erin Catherine Owen (Respondent)
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: 2-20-2007

EDMUND G. BROWN JR., Attorney General
of the State of California

ELENA L. ALMANZO
Deputy Attorney General

Attorneys for Complainant

DOJ Matter ID: SA2006102032
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**Exhibit A**

**Accusation No. 3011**

BILL LOCKYER, Attorney General
of the State of California
ELENA L. ALMANZO, State Bar No. 131058
Deputy Attorney General
California Department of Justice
1300 I Street, Suite 125
P.O. Box 944255
Sacramento, CA 94244-2550
Telephone: (916) 322-5524
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Complainant alleges:

PARTIES

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

2. On or about November 14, 2003, the issued Pharmacy Technician Registration Number TCH 47031 to Erin Catherine Owen (Respondent). Said license will expire on September 30, 2007, unless renewed.

JURISDICTION

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

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4. Section 118 of the Code states:

"(a) The withdrawal of an application for a license after it has been filed with a board in the department shall not, unless the board has consented in writing to such withdrawal, deprive the board of its authority to institute or continue a proceeding against the applicant for the denial of the license upon any ground provided by law or to enter an order denying the license upon any such ground.

"(b) The suspension, expiration, or forfeiture by operation of law of a license issued by a board in the department, or its suspension, forfeiture, or cancellation by order of the board or by order of a court of law, or its surrender without the written consent of the board, shall not, during any period in which it may be renewed, restored, reissued, or reinstated, deprive the board of its authority to institute or continue a disciplinary proceeding against the licensee upon any ground provided by law or to enter an order suspending or revoking the license or otherwise taking disciplinary action against the licensee on any such ground.

"(c) As used in this section, 'board' includes an individual who is authorized by any provision of this code to issue, suspend, or revoke a license, and 'license' includes 'certificate,' 'registration,' and 'permit.'"

5. 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:

"(a) Gross immorality.

"(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 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.

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

6. 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.

7. "Methamphetamine" is a Schedule II controlled substance as designated by Health and Safety Code section 11055(d)(2).

8. "Ambien," a brand name for Zolpidem is a Schedule IV controlled substance as defined in Health and Safety Code section 11057(d)(32).

9. "Lorazepam" is a Schedule IV controlled substance as designated by Health and Safety Code section 11057(d)(16).

FIRST CAUSE FOR DISCIPLINE

(Conviction of a Crime)

10. Respondent is subject to disciplinary action under section 4301 subdivisions (a), (f), (j), (l),(o), and (p) of the Code in that respondent was convicted of crimes substantially related to the practice of a pharmacy technician. The circumstances are as follows:

A. On or about January 10, 2006, in People v. Catherine Owen, Placer County Superior Court; Case Numbers 62-54570, respondent pleaded guilty to a violation of Health and Safety Code section 11366 (maintaining a location for the unlawful selling, giving away, or using of a controlled substance.)

On or about August 22, 2005, sheriff's officers executed a search warrant on respondent's premises. When they did they recovered Ambien and Lorazepam both of which are controlled substances. Respondents made statements to the officers which indicated that the controlled substances were for sale.

B. On or about January 10, 2006, in People v. Catherine Owen, Placer County Superior Court; Case Numbers 62-54570, respondent pleaded guilty to a violation of Health and Safety Code section 11550 (under influence of a controlled substance, to wit, methamphetamine) in that on or about September 5, 2005, respondent was found under the influence of methamphetamine.

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SECOND CAUSE FOR DISCIPLINE

(Self Administration of a Controlled Substance)

11. Respondent is subject to disciplinary action under section 4301 subdivisions (a), (f), (h), (o) and (p) in that on or about September 5, 2005, she was under the influence of methamphetamine as indicated above in paragraph 10 (B).

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:

A. Revoking or suspending Pharmacy Technician Registration Number TCH 47031, issued to Erin Catherine Owen

B. Ordering Erin Catherine Owen to pay the Board the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;

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

DATED: 10/31/06

VIRGINIA HEROLD
Interim Executive Officer
Board of Pharmacy
State of California
Complainant

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