

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

In the Matter of the Accusation Against:

ERIN CATHERINE OWEN
2131 Woodhaven Court
Fairfield, CA 94533

Pharmacy Technician No. TCH 47031

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
Board President

1 EDMUND G. BROWN JR., Attorney General
of the State of California
2 ARTHUR TAGGART,
Supervising Deputy Attorney General
3 ELENA L. ALMANZO, State Bar No. 131058
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7 Attorneys for Complainant

8
9 **BEFORE THE**
BOARD OF PHARMACY
10 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

11 In the Matter of the Accusation Against:

Case No. 3011

12 ERIN CATHERINE OWEN
2131 Woodhaven Court
13 Fairfield, CA 94533

**STIPULATED SURRENDER OF
LICENSE AND ORDER**

14 Pharmacy Technician No. TCH 47031

15 Respondent.

16
17 IT IS HEREBY STIPULATED AND AGREED by and between the parties in this
18 proceeding that the following matters are true:

19 PARTIES

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

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

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

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

3 CONTINGENCY

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

14 OTHER MATTERS

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

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

21 ORDER

22 IT IS HEREBY ORDERED that Pharmacy Technician No. TCH 47031, issued to
23 Respondent Erin Catherine Owen is surrendered and accepted by the Board of Pharmacy.

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

28 15. Respondent shall lose all rights and privileges as a Pharmacy Technician

1 in California as of the effective date of the Board's Decision and Order.

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

4 17. Respondent fully understands and agrees that if she ever files an
5 application for licensure or a petition for reinstatement in the State of California, the Board shall
6 treat it as an application for a new license. Respondent must comply with all the laws,
7 regulations and procedures for a new license in effect at the time the her application is filed, and
8 all of the charges and allegations contained in Accusation No. 3011 shall be deemed to be true,
9 correct and admitted by Respondent when the Board determines whether to grant or deny the
10 license application.

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

13 19. Should Respondent ever apply or reapply for a new license or certification,
14 or petition for reinstatement of a license, by any other health care licensing agency in the State of
15 California, all of the charges and allegations contained in Accusation, No. 3011 shall be deemed
16 to be true, correct, and admitted by Respondent for the purpose of any Statement of Issues or any
17 other proceeding seeking to deny or restrict licensure.

18 20. Respondent shall pay the Board its costs of investigation and enforcement
19 in the amount of \$2,291.00 prior to issuance of a new or reinstated license.

20 ACCEPTANCE

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

25 DATED: 2/16/07

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Erin Catherine Owen (Respondent)
Respondent

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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
10319284.wpd

Exhibit A
Accusation No. 3011

1 BILL LOCKYER, Attorney General
of the State of California
2 ELENA L. ALMANZO, State Bar No. 131058
Deputy Attorney General
3 California Department of Justice
1300 I Street, Suite 125
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10 In the Matter of the Accusation Against:

Case No. 3011

11 ERIN CATHERINE OWEN
12 2131 Woodhaven Ct.
Fairfield, CA 94533
13 Pharmacy Technician Registration
No. TCH 47031

A C C U S A T I O N

14 Respondent.

15
16 Complainant alleges:

17 PARTIES

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

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

23 JURISDICTION

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

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1 4. Section 118 of the Code states:

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

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

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

18 5. Section 4301 of the Code states in pertinent part:

19 "The board shall take action against any holder of a license who is guilty of
20 unprofessional conduct or whose license has been procured by fraud or misrepresentation or
21 issued by mistake. Unprofessional conduct shall include, but is not limited to, any of the
22 following:

23 "(a) Gross immorality.

24 "(f) The commission of any act involving moral turpitude, dishonesty, fraud,
25 deceit, or corruption, whether the act is committed in the course of relations as a licensee or
26 otherwise, and whether the act is a felony or misdemeanor or not.

27 "(h) The administering to oneself, of any controlled substance, or the use of any
28 dangerous drug or of alcoholic beverages to the extent or in a manner as to be dangerous or

1 injurious to oneself, to a person holding a license under this chapter, or to any other person or to
2 the public, or to the extent that the use impairs the ability of the person to conduct with safety to
3 the public the practice authorized by the license.

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

6 "(l) The conviction of a crime substantially related to the qualifications, functions,
7 and duties of a licensee under this chapter. The record of conviction of a violation of Chapter 13
8 (commencing with Section 801) of Title 21 of the United States Code regulating controlled
9 substances or of a violation of the statutes of this state regulating controlled substances or
10 dangerous drugs shall be conclusive evidence of unprofessional conduct. In all other cases, the
11 record of conviction shall be conclusive evidence only of the fact that the conviction occurred.
12 The board may inquire into the circumstances surrounding the commission of the crime, in order
13 to fix the degree of discipline or, in the case of a conviction not involving controlled substances
14 or dangerous drugs, to determine if the conviction is of an offense substantially related to the
15 qualifications, functions, and duties of a licensee under this chapter. A plea or verdict of guilty
16 or a conviction following a plea of nolo contendere is deemed to be a conviction within the
17 meaning of this provision. The board may take action when the time for appeal has elapsed, or
18 the judgment of conviction has been affirmed on appeal or when an order granting probation is
19 made suspending the imposition of sentence, irrespective of a subsequent order under Section
20 1203.4 of the Penal Code allowing the person to withdraw his or her plea of guilty and to enter a
21 plea of not guilty, or setting aside the verdict of guilty, or dismissing the accusation, information,
22 or indictment.

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

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

28 6. Section 125.3 of the Code states, in pertinent part, that the Board may

1 request the administrative law judge to direct a licentiate found to have committed a violation or
2 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation
3 and enforcement of the case.

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

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

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

10 FIRST CAUSE FOR DISCIPLINE

11 (Conviction of a Crime)

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

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

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

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

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