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8 Attorneys for Complainant

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

12 In the Matter of the Accusation Against:

Case No. 3126

13 LAUREN NAOMI JOHNSON
14 3850 35th Street #2
San Diego, CA 92104

DEFAULT DECISION AND ORDER

[Gov. Code, § 11520]

15 Pharmacy Technician
16 Registration No. TCH 45570

17 Respondent.

18 FINDINGS OF FACT

19 1. On or about December 18, 2007, Complainant Virginia Herold, in her
20 official capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer
21 Affairs, filed Accusation No. 3126 against Lauren Naomi Johnson (Respondent) before the
22 Board of Pharmacy.

23 2. On or about February 21, 2003, the Board of Pharmacy (Board) issued
24 Pharmacy Technician Registration No. TCH 45570 to Respondent. The Pharmacy Technician
25 Registration was in full force and effect at all times relevant to the charges brought herein and
26 will expire on April 30, 2008, unless renewed.

27 3. On or about December 20, 2007, Kim Cooney, an employee of the
28 Department of Justice, served by Certified and First Class Mail a copy of the Accusation No.

1 3126, Statement to Respondent, Notice of Defense, Request for Discovery, and Government
2 Code sections 11507.5, 11507.6, and 11507.7 to Respondent's address of record with the Board,
3 which was and is: 3850 35th Street #2, San Diego, California 92104. A copy of the Accusation
4 is attached as Exhibit A, and is incorporated herein by reference.

5 4. Service of the Accusation was effective as a matter of law under the
6 provisions of Government Code section 11505, subdivision (c).

7 5. On or about January 9, 2008, the aforementioned document served by First
8 Class mail was returned by the U.S. Postal Service marked "Attempted - Not Known."

9 6. Government Code section 11506 states, in pertinent part:

10

11 (c) The respondent shall be entitled to a hearing on the merits if
12 the respondent files a notice of defense, and the notice shall be deemed a specific
13 denial of all parts of the accusation not expressly admitted. Failure to file a notice
of defense shall constitute a waiver of respondent's right to a hearing, but the
agency in its discretion may nevertheless grant a hearing.

14 7. Respondent failed to file a Notice of Defense within 15 days after service
15 upon her of the Accusation, and therefore waived her right to a hearing on the merits of
16 Accusation No. 3126.

17 8. California Government Code section 11520 states, in pertinent part:

18 (a) If the respondent either fails to file a notice of defense or to appear at
19 the hearing, the agency may take action based upon the respondent's express
admissions or upon other evidence and affidavits may be used as evidence without
20 any notice to respondent.

21

22 9. Pursuant to its authority under Government Code section 11520, the Board
23 finds Respondent is in default. The Board will take action without further hearing and, based on
24 Respondent's express admissions by way of default and the evidence before it, contained in
25 Exhibit A, finds that the allegations in Accusation No. 3126 are true.

26 10. The total costs for investigation and enforcement are \$811.25 as of
27 January 21, 2008.

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DETERMINATION OF ISSUES

1
2 1. Based on the foregoing findings of fact, Respondent Lauren Naomi
3 Johnson has subjected her Pharmacy Technician Registration No. TCH 45570 to discipline.

4 2. A copy of the Accusation is attached.

5 3. The agency has jurisdiction to adjudicate this case by default.

6 4. The Board of Pharmacy is authorized to revoke Respondent's Pharmacy
7 Technician Registration based upon the following violations alleged in the Accusation:

8 a. Respondent has subjected her license to discipline under section
9 4060 of the Code in that she possessed a controlled substance in violation of the law. On or
10 about April 20, 2006, in a criminal proceeding entitled *People v. Lauren Naomi Johnson*, in San
11 Diego County Superior Court case number M987787, Respondent plead no contest to violating
12 Health and Safety Code section 11377, subdivision (a), possession of a controlled substance
13 (methamphetamine), a misdemeanor pursuant to Penal Code section 17, subdivision (b)(4). As a
14 result of the plea, on or about April 20, 2006, Respondent received an 18-month deferred entry of
15 judgment pursuant to Penal Code section 1000, and was ordered to attend and complete a drug
16 treatment program. On or about March 28, 2007, as a result of Respondent's failure to complete
17 drug treatment, Respondent's Penal Code section 1000 diversion was revoked. There is an active
18 bench warrant for Respondent's arrest.

19 b. Respondent has subjected her license to discipline under section
20 4301, subdivision (h) of the Code, in that she admitted to the arresting officer that she had been
21 using methamphetamine, a controlled substance and dangerous drug, for about one year prior to
22 her April 18, 2006 arrest, as alleged in paragraph 12(d) of the Accusation.

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Exhibit A
Accusation No. 3126

1 EDMUND G. BROWN JR., Attorney General
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11 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA
12

13 In the Matter of the Accusation Against:

Case No. 3126

14 LAUREN NAOMI JOHNSON
3850 35th Street #2
15 San Diego, CA 92104

A C C U S A T I O N

16 Pharmacy Technician Registration No. TCH 45570

17 Respondent.
18

19 Complainant alleges:

20 PARTIES

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

23 2. On or about February 21, 2003, the Board of Pharmacy issued Pharmacy
24 Technician Registration Number TCH 45570 to Lauren Naomi Johnson (Respondent). The
25 Pharmacy Technician Registration was in full force and effect at all times relevant to the charges
26 brought herein and will expire on April 30, 2008, unless renewed.

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JURISDICTION

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

5 4. Section 477 of the Code states:

6 As used in this division:

7 (a) "Board" includes "bureau," "commission," "committee," "department,"
8 "division," "examining committee," "program," and "agency."

9 (b) "License" includes certificate, registration or other means to engage in
10 a business or profession regulated by this code.

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

15 6. Section 492 of the Code states:

16 Notwithstanding any other provision of law, successful completion of any
17 diversion program under the Penal Code, or successful completion of an alcohol
18 and drug problem assessment program under Article 5 (commencing with section
19 23249.50) of Chapter 12 of Division 11 of the Vehicle Code, shall not prohibit
20 any agency established under Division 2 ([Healing Arts] commencing with
21 Section 500) of this code, or any initiative act referred to in that division, from
22 taking disciplinary action against a licensee or from denying a license for
23 professional misconduct, notwithstanding that evidence of that misconduct may
24 be recorded in a record pertaining to an arrest.

25

26 7. Section 4301 of the Code states:

27 The board shall take action against any holder of a license who is guilty of
28 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:

.....

(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.

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8. Section 4060 of the Code states:

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

9. Section 4022 of the Code states

"Dangerous drug" or "dangerous device" means any drug or device unsafe for self-use in humans or animals, and includes the following:

. . . .

(c) Any other drug or device that by federal or state law can be lawfully dispensed only on prescription or furnished pursuant to Section 4006.

10. 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.

DRUG

11. Methamphetamine is a Schedule II controlled substance as designated by Health and Safety Code section 11055, subdivision (d)(2), and is a dangerous drug pursuant to Business and Professions Code section 4022.

FIRST CAUSE FOR DISCIPLINE

(Illegal Possession of a Controlled Substance on April 18, 2006)

12. Respondent has subjected her license to discipline under section 4060 of the Code in that she possessed a controlled substance in violation of the law. The circumstances are as follows:

a. On or about April 20, 2006, in a criminal proceeding entitled *People v. Lauren Naomi Johnson*, in San Diego County Superior Court case number M987787, Respondent plead no contest to violating Health and Safety Code section 11377, subdivision (a), possession of a controlled substance (methamphetamine), a misdemeanor pursuant to Penal Code section 17, subdivision (b)(4).

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14 LAUREN NAOMI JOHNSON

Respondent.

**CERTIFICATION OF COSTS:
DECLARATION OF AMANDA
DODDS**

[Business & Professions Code § 125.3]

15
16
17 I, AMANDA DODDS, hereby declare and certify as follows:

18 1. I am a Legal Analyst employed by the California Department of Justice
19 (DOJ), Office of the Attorney General (Office). I am assigned to the Licensing Section in the
20 Civil Division of the Office. I have been designated as the representative to certify the costs of
21 prosecution by DOJ and incurred by the Board of Pharmacy in this case. I make this certification
22 in my official capacity as a public employee pursuant to Evidence Code section 664.

23 2. I represent the Complainant, Virginia Herold, Executive Officer of the
24 Board of Pharmacy, in this action. I was assigned to handle this case on or around November 6,
25 2007.

26 3. Our Office's computerized case management system reflect that Linda K.
27 Schneider, Supervising Deputy Attorney General, also performed tasks related to this matter.

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1 4. I am familiar with the time recording and billing practices of DOJ and the
2 procedure for charging the client agency for the reasonable and necessary work performed on a
3 particular case. It is the duty of the time keeping employees to keep track of the time spent and
4 to report that time in DOJ's computerized case management system at or near the time of the
5 tasks performed.

6 5. On January 22, 2008, I requested a billing summary for this case from the
7 Accounting Department of the DOJ. In response on, January 22, 2008, I received a document
8 entitled "Matter Time Activity by Professional Type" and "Cost-of-Suit Summary." I hereby
9 certify that the Matter Time Activity by Professional Type and Cost-of-Suit Summary, attached
10 hereto as Exhibit A, and herein incorporated by reference, is a true and correct copy of the billing
11 summary for this matter that I received from the Accounting Department. The summary includes
12 the billing costs incurred by myself, as well as other professionals of the DOJ who worked on the
13 matter; and sets forth the tasks undertaken, the amount of time billed for the activity, and the
14 billing rate by professional type. The billing summary is comprehensive of the charges by the
15 Office to the Board of Pharmacy through January 21, 2008. It does not include billing for tasks
16 performed after January 21, 2008.

17 6. Based upon the time reported through January 21, 2008, as set forth in
18 Exhibit A, DOJ has billed the Board of Pharmacy **\$811.25** for the time spent working on the
19 above entitled case.

20 7. To the best of my knowledge the items of cost set forth in this certification
21 are correct and were necessarily incurred in this case.

22 I certify under penalty of perjury under the laws of the State of California that the
23 foregoing is true and correct.

24 Executed on 1/22/08, in the City of San Diego, California.

25
26 
27 AMANDA DODDS
28 Legal Analyst
Declarant

SD2007802876

EXHIBIT A



Matter Time Activity By Professional Type

As Of 1/22/2008

Trans #	Date	Section	Client	Task	Hours Worked	Rate	Amount	Adj?	Stmn Date
Matter ID: SD2007802876 Date Opened: 11/06/2007									
Description: Johnson, Lauren Naomi, TCH									
Professional Type: ATTORNEY									
Fiscal Year: 2007-2008									
Professional: Linda K. Schneider									
800325455	11/28/07	CV-LIC:110	03583	Supervisory Review	0.50	\$158.00	\$79.00		11/30/07
Linda K. Schneider Totals:					<u>0.50</u>		<u>\$79.00</u>		
2007-2008 Totals:					<u>0.50</u>		<u>\$79.00</u>		
ATTORNEY Totals:					0.50		\$79.00		
Professional Type: PARALEGAL									
Fiscal Year: 2007-2008									
Professional: Amanda Dodds									
800320818	11/08/07	CV-LIC:110	03583	Client Communication	0.25	\$101.00	\$25.25		11/30/07
800320819	11/08/07	CV-LIC:110	03583	Research	0.25	\$101.00	\$25.25		11/30/07
800320820	11/08/07	CV-LIC:110	03583	Case Evaluation/Assessment	0.50	\$101.00	\$50.50		11/30/07
800325171	11/27/07	CV-LIC:110	03583	Case Management	0.25	\$101.00	\$25.25		11/30/07
800325183	11/27/07	CV-LIC:110	03583	Pleading Preparation	0.50	\$101.00	\$50.50		11/30/07
800325305	11/28/07	CV-LIC:110	03583	Analysis/Strategy	0.50	\$101.00	\$50.50		11/30/07
800325310	11/28/07	CV-LIC:110	03583	Pleading Preparation	3.00	\$101.00	\$303.00		11/30/07
800325400	11/28/07	CV-LIC:110	03583	Pleading Preparation	0.50	\$101.00	\$50.50		11/30/07
800325401	11/28/07	CV-LIC:110	03583	Client Communication	0.50	\$101.00	\$50.50		11/30/07
800328130	12/07/07	CV-LIC:110	03583	Case Management	0.25	\$101.00	\$25.25		12/31/07
800331558	12/20/07	CV-LIC:110	03583	Case Management	0.25	\$101.00	\$25.25		12/31/07
800332401	12/24/07	CV-LIC:110	03583	Case Management	0.25	\$101.00	\$25.25		12/31/07
800335812	01/09/08	CV-LIC:110	03583	Case Management	0.25	\$101.00	\$25.25		
Amanda Dodds Totals:					<u>7.25</u>		<u>\$732.25</u>		
2007-2008 Totals:					<u>7.25</u>		<u>\$732.25</u>		
PARALEGAL Totals:					7.25		\$732.25		
SD2007802876 Totals:					7.75		\$811.25		



Cost-of-Suit Summary

As Of 01/22/2008

Matter ID: SD2007802876

Date Opened: 11/06/2007

Description Johnson, Lauren Naomi, TCH

Total Legal Costs: \$811.25
Cost-of-Suit: \$0.00
Grand Total: \$811.25

Matter Time Activity Summary		
Rate	Hrs Wrkd	Amount
Professional Type: Attorney		
FY: 2007-2008		
\$158.00	0.50	\$79.00
FY 2007-2008 Total:		\$79.00
Attorney Total:		\$79.00
Professional Type: Paralegal		
FY: 2007-2008		
\$101.00	7.25	\$732.25
FY 2007-2008 Total:		\$732.25
Paralegal Total:		\$732.25
Total Legal Costs:		\$811.25

Cost-of-Suit								
Entry #	Journal Date	Vendor #	Vendor	Schedule	Reference	Amount		
Client Agency:								
FY:								
Component Description:								
						\$0.00	Total:	
						\$0.00	FY Total:	
						\$0.00	Client Agency Total:	
						\$0.00	Cost-of-Suit:	
Denotes soft costs which are not included in totals								