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

In the Matter of the Accusation Against:  
  
**JESSICA NICOLE LAWRENCE**  
1740 N. Laurel Ave.  
Upland, CA 91784  
Pharmacy Technician Registration No. TCH  
49013  
  
Respondent.

Case No. 3319

**DEFAULT DECISION AND ORDER**

[Gov. Code, §11520]

FINDINGS OF FACT

1. On or about August 23, 2009, Complainant Virginia Herold, in her official capacity as the Executive Officer of the Board of Pharmacy, filed Accusation No. 3319 against Jessica Nicole Lawrence (Respondent) before the Board of Pharmacy.

2. On or about August 25, 2003, the Board of Pharmacy (Board) issued Pharmacy Technician Registration No. TCH 49013 to Respondent. The Pharmacy Technician Registration was in full force and effect at all times relevant to the charges brought herein and will expire on October 31, 2010, unless renewed.

///

1           3.     On or about October 13, 2009, Rebecca Garcia, an employee of the Department of  
2 Justice, served by Certified and First Class Mail a copy of the Accusation No. 3319, Statement to  
3 Respondent, Notice of Defense, Request for Discovery, and Government Code sections 11507.5,  
4 11507.6, and 11507.7 to Respondent's address of record with the Board, which was and is 1740  
5 N. Laurel Avenue, Upland, CA 91784. A copy of the Accusation is attached as exhibit A, and is  
6 incorporated herein by reference.

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

9           5.     Subsequent to service of the Accusation, Complainant received a return receipt which  
10 reflected that the aforementioned documents were delivered by the U.S. Postal Service to  
11 Respondent's address of record on October 14, 2009.

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

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

18           7.     Respondent failed to file a Notice of Defense within 15 days after service upon her of  
19 the Accusation, and therefore waived her right to a hearing on the merits of Accusation No. 3319.

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

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

25           9.     Pursuant to its authority under Government Code section 11520, the Board finds that  
26 Respondent is in default. The Board will take action without further hearing and, based on the  
27 evidence on file herein, finds that the allegations in Accusation No. 3319 are true.

28           10.    The total cost for investigation and enforcement in connection with the Accusation  
are \$4,916.50.

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DETERMINATION OF ISSUES

1  
2 1. Based on the foregoing findings of fact, Respondent Jessica Nicole Lawrence has  
3 subjected her Pharmacy Technician Registration No. TCH 49013 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 is authorized to revoke Respondent's Pharmacy Technician Registration  
7 based upon the following violations alleged in the Accusation:

8 a. Respondent is subject to disciplinary action under Business and Professions  
9 Code Sections 490, 4300, and 4301, subdivisions (f), (g), (j), and (l) of the Code on the grounds  
10 that Respondent was convicted of crimes substantially related to the qualifications, functions, or  
11 duties of a pharmacy technician.

12 b. Respondent is subject to disciplinary action under Business and Professions  
13 Code section 4300 and 4301(f) of the Code on the grounds that Respondent committed multiple  
14 acts of moral turpitude, dishonesty, fraud, deceit, and/or corruption

15 c. Respondent is subject to disciplinary action under Business and Professions  
16 Code section 4300 and 4301(g) of the Code on the grounds that Respondent signed a document  
17 with someone's name other than her own while making a purchase with a stolen credit card.

18 d. Respondent is subject to disciplinary action under Business and Professions  
19 Code section 4300 and 4301 (j) of the Code on the grounds that Respondent violated state and  
20 federal laws regulating controlled substances and dangerous drugs.

21 e. Respondent is subject to disciplinary action under Business and Professions  
22 Code section 4300 and 4301(o) of the Code on the grounds that Respondent violated Board Rules  
23 and Regulations.

24 f. Respondent is subject to disciplinary action under Business and Professions  
25 Code Section 4300 and 4301 (p) of the Code on the grounds that Respondent's aforementioned  
26 conduct, would have warranted denial of a license.

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ORDER

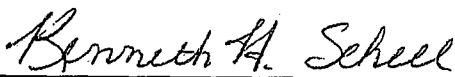
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IT IS SO ORDERED that Pharmacy Technician Registration No. TCH 49013, heretofore issued to Respondent Jessica Nicole Lawrence, is revoked.

Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a written motion requesting that the Decision be vacated and stating the grounds relied on within seven (7) days after service of the Decision on Respondent. The agency in its discretion may vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

This decision shall become effective on April 29, 2010.

It is so ORDERED on March 30, 2010.

  
\_\_\_\_\_  
KENNETH H. SCHELL, BOARD PRESIDENT  
FOR THE BOARD OF PHARMACY  
DEPARTMENT OF CONSUMER AFFAIRS

60516703.DOC  
DOJ docket number:LA2009602915

Attachment:

Exhibit A: Accusation No.3319

Exhibit A  
Accusation No. 3319

1 EDMUND G. BROWN JR.  
Attorney General of California  
2 GLORIA A. BARRIOS  
Supervising Deputy Attorney General  
3 KIMBERLEE D. KING  
Deputy Attorney General  
4 State Bar No. 141813  
300 So. Spring Street, Suite 1702  
5 Los Angeles, CA 90013  
Telephone: (213) 897-2581  
6 Facsimile: (213) 897-2804  
*Attorneys for Complainant*

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

12 In the Matter of the Accusation Against:

Case No. 3319

13 **JESSICA NICOLE LAWRENCE**  
1740 N. Laurel Ave.  
14 Upland, CA 91784  
15 Pharmacy Technician Registration No. TCH  
49013

**ACCUSATION**

16 Respondent.

17  
18 Complainant alleges:

19 **PARTIES**

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

22 2. On or about August 25, 2003, the Board issued Pharmacy Technician Registration  
23 Number TCH 49013 to Jessica Nicole Lawrence (Respondent). The Pharmacy Technician  
24 Registration was in full force and effect at all times relevant to the charges brought herein and  
25 will expire on October 31, 2010, unless renewed.

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JURISDICTION

1  
2       3.    This Accusation is brought before the Board, under the authority of the following  
3 laws. All section references are to the Business and Professions Code unless otherwise indicated.

4       4.    Section 4300 of the Code provides, in pertinent part, that every license issued by the  
5 board is subject to discipline, including suspension or revocation.

6       5.    Section 4301 of the Code states:

7       "The board shall take action against any holder of a license who is guilty of unprofessional  
8 conduct or whose license has been procured by fraud or misrepresentation or issued by mistake.

9 Unprofessional conduct shall include, but is not limited to, any of the following:

10       ....

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

14       "(g) Knowingly making or signing any certificate or other document that falsely represents  
15 the existence or nonexistence of a state of facts.

16       ....

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

19       .....

20       "(l) The conviction of a crime substantially related to the qualifications, functions, and  
21 duties of a licensee under this chapter. The record of conviction of a violation of Chapter 13  
22 (commencing with Section 801) of Title 21 of the United States Code regulating controlled  
23 substances or of a violation of the statutes of this state regulating controlled substances or  
24 dangerous drugs shall be conclusive evidence of unprofessional conduct. In all other cases, the  
25 record of conviction shall be conclusive evidence only of the fact that the conviction occurred.  
26 The board may inquire into the circumstances surrounding the commission of the crime, in order  
27 to fix the degree of discipline or, in the case of a conviction not involving controlled substances  
28 or dangerous drugs, to determine if the conviction is of an offense substantially related to the

1 qualifications, functions, and duties of a licensee under this chapter. A plea or verdict of guilty or  
2 a conviction following a plea of nolo contendere is deemed to be a conviction within the meaning  
3 of this provision. The board may take action when the time for appeal has elapsed, or the  
4 judgment of conviction has been affirmed on appeal or when an order granting probation is made  
5 suspending the imposition of sentence, irrespective of a subsequent order under Section 1203.4 of  
6 the Penal Code allowing the person to withdraw his or her plea of guilty and to enter a plea of not  
7 guilty, or setting aside the verdict of guilty, or dismissing the accusation, information, or  
8 indictment.

9 . . . .

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

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

15 6. Section 4060 of the Code states:

16 "No person shall possess any controlled substance, except that furnished to a person upon  
17 the prescription of a physician, dentist, podiatrist, optometrist, veterinarian, or naturopathic doctor  
18 pursuant to Section 3640.7, or furnished pursuant to a drug order issued by a certified  
19 nurse-midwife pursuant to Section 2746.51, a nurse practitioner pursuant to Section 2836.1, or a  
20 physician assistant pursuant to Section 3502.1, or naturopathic doctor pursuant to Section 3640.5,  
21 or a pharmacist pursuant to either subparagraph (D) of paragraph (4) of, or clause (iv) of  
22 subparagraph (A) of paragraph (5) of, subdivision (a) of Section 4052. This section shall not  
23 apply to the possession of any controlled substance by a manufacturer, wholesaler, pharmacy,  
24 pharmacist, physician, podiatrist, dentist, optometrist, veterinarian, naturopathic doctor, certified  
25 nurse-midwife, nurse practitioner, or physician assistant, when in stock in containers correctly  
26 labeled with the name and address of the supplier or producer.

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7. Section 490 of the Code provides, in pertinent part, that a board may suspend or revoke a license on the ground that the licensee has been convicted of a crime substantially related to the qualifications, functions, or duties of the business or profession for which the license was issued.

8. 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.

9. California Code of Regulations, title 16, section 1770, states:

"For the purpose of denial, suspension, or revocation of a personal or facility license pursuant to Division 1.5 (commencing with Section 475) of the Business and Professions Code, a crime or act shall be considered substantially related to the qualifications, functions or duties of a licensee or registrant if to a substantial degree it evidences present or potential unfitness of a licensee or registrant to perform the functions authorized by his license or registration in a manner consistent with the public health, safety, or welfare."

**FIRST CAUSE FOR DISCIPLINE**  
(Conviction of Substantially Related Crimes)

10. Respondent is subject to disciplinary action under Business and Professions Code Sections 490, 4300, and 4301, subdivision (l) of the Code on the grounds that Respondent was convicted of crimes substantially related to the qualifications, functions, or duties of a pharmacy technician. The circumstances are as follows:

a. On or about October 16, 2008, in a criminal proceeding entitled The People of the State of California v. Jessica Nicole Lawrence in San Bernardino County Superior Court, Case No. FWV802437, Respondent pled guilty to violation of Penal Code Section 459 (Burglary), a misdemeanor. The court ordered Respondent to serve 365 days in jail with a credit for time served and conduct credit.

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1           b.     On or about August 8, 2006, in a criminal proceeding entitled *The People of the State*  
2 *of California v. Jessica Nicole Lawrence* in San Bernardino County, Rancho Cucamonga District  
3 County Superior Court, Case No. FWV038178, Respondent pled guilty to violation of Penal  
4 Code Section 484 F(A) (Forgery; Access Card ), a misdemeanor . The court initially sentenced  
5 Respondent to 3 years probation and 90 days in jail with a credit for time served. The sentence  
6 was modified on October 16, 2008 to 2 years probation and 365 days in jail with credit for 43  
7 days.

8           The circumstances surrounding the conviction are that on May 17, 2006, after Respondent  
9 dropped her daughter off at a church day care center, she stole a purse from a parent's car parked  
10 in the day care center parking lot. She was seen shortly thereafter on Albertson's security camera  
11 possessing a wallet from the parent's purse and purchasing items with a credit card taken from the  
12 stolen wallet. Respondent also used the credit card to purchase gas at a Union 76 gas station.

13           c.     On or about June 9, 2006, in a criminal proceeding entitled *The People of the State of*  
14 *California v. Jessica Nicole Lawrence* in San Bernardino County, Superior Court, Case No.  
15 MWV096996, Respondent pled guilty to violation of Penal Code Section 490.5(a), a  
16 misdemeanor. Respondent was fined and placed on 2 years probation.

17           The circumstances surrounding the conviction are that on April 15, 2005, Respondent stole  
18 merchandise from J.C. Penney.

19           d.     On or about March 8, 2006, in a criminal proceeding entitled *The People of the State*  
20 *of California v. Jessica Nicole Lawrence* in San Bernardino County, Rancho Cucamonga District  
21 County Superior Court, Case No. FWV037086, Respondent pled guilty to violation of Health and  
22 Safety Code Section 11357(c) (Possess Marijuana over 1 oz.), a misdemeanor. Respondent was  
23 fined and placed on 3 years probation.

24           The circumstances surrounding the conviction are that on November 11, 2005, San  
25 Bernardino County Police were at Respondent's home regarding an investigation on another  
26 matter. While inside of Respondent's home, police officers saw a marijuana cultivation system.

27           e.     On or about February 13, 2002, in a criminal proceeding entitled *The People of the*  
28 *State of California v. Jessica Nicole Lawrence* in San Bernardino County, Rancho Cucamonga

1 District Superior Court, Case No.FWV023604, Respondent pled guilty to violation of Penal Code  
2 Section 496(A) (Receiving Stolen property), a misdemeanor. Respondent was fined and placed  
3 on 2 years probation and 3 days in jail with credit for 3 days served.

4 The circumstances surrounding the conviction are that on September 7, 2001, Respondent  
5 received property which she knew to be stolen.

## 6 SECOND CAUSE FOR DISCIPLINE

7 (Act[s] Involving Moral Turpitude, Dishonesty, Fraud, Deceit or Corruption)

8 11. Respondent is subject to disciplinary action under Business and Professions Code  
9 section 4300 and 4301(f) of the Code on the grounds that Respondent committed multiple acts of  
10 moral turpitude, dishonesty, fraud, deceit, and/or corruption as follows:

11 a. Complainant refers to, and by this reference incorporates, the allegations set forth  
12 above in Paragraph 10, including its subparagraphs 10(a) through (e) as though fully set forth.

13 b. On or about November 11, 2005, Respondent entered S. William's home and stole  
14 several items including jewelry. Respondent was identified by a neighbor who had seen  
15 Respondent outside the home with S. William's dog. Police responded to a call from S.  
16 William's regarding this incident which led to the conviction for marijuana cultivation that is  
17 referred to in Paragraph 10(d).

## 18 THIRD CAUSE FOR DISCIPLINE

19 (Making or Signing a False Document)

20 12. Respondent is subject to disciplinary action under Business and Professions Code  
21 section 4300 and 4301(g) of the Code on the grounds that Respondent signed a document with  
22 someone's name other than her own while making a purchase with a stolen credit card. The  
23 circumstances of this incident is fully set forth in Paragraph 10(b).

## 24 FOURTH CAUSE FOR DISCIPLINE

25 (Violation of Statutes Regulating Controlled Substances and Dangerous Drugs.)

26 13. Respondent is subject to disciplinary action under Business and Professions Code  
27 section 4300 and 4301 (j) of the Code on the grounds that Respondent violated state and federal  
28 laws regulating controlled substances and dangerous drugs. Complainant refers to, and by this

1 reference incorporates, the allegations set forth above in Paragraph 10, including its  
2 subparagraphs 10(a) through (e) as though fully set forth.

3 **FIFTH CAUSE FOR DISCIPLINE**

4 **(Violation of Board Rules and Regulations)**

5 14. Respondent is subject to disciplinary action under Business and Professions Code  
6 section 4300 and 4301(o) of the Code on the grounds that Respondent violated Board Rules and  
7 Regulations. Complainant refers to, and by this reference incorporates, the allegations set forth  
8 above in Paragraph 10, including its subparagraphs 10(a) through (e) as though fully set forth.

9 **SIXTH CAUSE FOR DISCIPLINE**

10 **(Conduct Warranting Denial of License)**

11 15. Respondent is subject to disciplinary action under Business and Professions Code  
12 Section 4300 and 4301 (p) of the Code on the grounds that Respondent's aforementioned  
13 conduct, would have warranted denial of a license. Complainant refers to, and by this reference  
14 incorporates, the allegations set forth above in Paragraph 10, including its subparagraphs 10(a)  
15 through (e) as though fully set forth.

16 **PRAYER**

17 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,  
18 and that following the hearing, the Board issue a decision:

19 1. Revoking or suspending Pharmacy Technician Registration Number TCH 49013,  
20 issued to Jessica Nicole Lawrence.

21 2. Ordering Jessica Nicole Lawrence to pay the the reasonable costs of the investigation  
22 and enforcement of this case, pursuant to Business and Professions Code section 125.3;

23 ///

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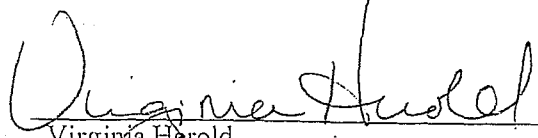
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3. Taking such other and further action as deemed necessary and proper.

DATED: 8/23/09



Virginia Harold  
Executive Officer  
Board of Pharmacy  
State of California  
*Complainant*

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