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5	BEFORE THE		
6	BOARD OF PHARMACY DEPARTMENT OF CONSUMER AFFAIRS		
7	STATE OF CALIFORNIA		
8	In the Matter of the Accusation Against:	Case No. 3518	
9	SAMANTHA LOOKMAN		
10	17586 Orange Dr. Yorba Linda, CA 92886	DEFAULT DECISION AND ORDER	
11		[Gov. Code, §11520]	
12	Pharmacy Technician Registration No. TCH 77115		
13	Respondent.		
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16		S OF FACT	
17	1. On or about March 15, 2010, Complainant Virginia Herold, in her official capacity as		
18	the Executive Officer of the Board of Pharmacy,	· · · · · · · · · · · · · · · · · · ·	
19	Accusation No. 3518 against Samantha Lookma		
20		oard of Pharmacy (Board) issued Pharmacy	
21	Technician License No. TCH 77115 to Responde		
22	all times relevant to the charges brought herein, a	and will expire on January 31, 2011, if not	
23	renewed.		
24	3. On or about March 22, 2010, Rosita Donovan, an employee of the Department of		
25	Justice, served by Certified and First Class Mail a copy of the Accusation No. 3518, a Statement		
26	to Respondent, two copies of a form Notice of Defense, a Request for Discovery, and copies of		
27	Government Code sections 11507.5, 11507.6, and 11507.7 to Respondent's address of record with		
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DEFAULT DECISION AND ORDER (Case No. 3518)

the Board: 17586 Orange Dr. Yorba Linda, CA 92886. Copies of the Accusation are attached as exhibit A, and are incorporated herein by reference.

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

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Government Code section 11506 states, in pertinent part:

(c) The respondent shall be entitled to a hearing on the merits if the respondent files a notice of defense, and the notice shall be deemed a specific denial of all parts of the accusation not expressly admitted. Failure to file a notice of defense shall constitute a waiver of respondent's 8 right to a hearing, but the agency in its discretion may nevertheless grant a hearing.

6. Respondent failed to file a Notice of Defense within 15 days after service upon her of 10the Accusation, and therefore waived her right to a hearing on the merits of Accusation No. 3518. 11

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California Government Code section 11520 states, in pertinent part:

(a) If the respondent either fails to file a notice of defense or to appear at the hearing, the agency may take action based upon the respondent's express admissions or upon other evidence 14 and affidavits may be used as evidence without any notice to respondent. 15

8. Pursuant to its authority under Government Code section 11520, the Board finds 16 17 Respondent is in default. The Board will take action without further hearing and, based on the evidence on file herein, finds that the allegations in Accusation No. 3518 are true. 18

9. The total costs for investigation and enforcement in connection with the Accusation 19 are \$1,997.50 as of April 9, 2010. 20

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DETERMINATION OF ISSUES

1. Based on the foregoing findings of fact, Respondent Samantha Lookman has 23 24 subjected her Pharmacy Technician License No. TCH 77115 to discipline.

> A copy of the Accusation is attached. 2.

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

4. The Board of Pharmacy is authorized to revoke Respondent's Pharmacy Technician 27 28 License based upon the following violations alleged in the Accusation:

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1	a. In violation of Business and Professions Code section 4301(l), Respondent was			
2	convicted of possession of controlled substance paraphernalia on December 3, 2008;			
3	b. In violation of Business and Professions Code sections 4301(j), Respondent violated			
4	the laws of this state regulating drugs when on December 3, 2008; she was in possession of drug			
5	paraphernalia;			
6	c. In violation of Business and Professions Code sections 4301(j), Respondent violated			
7	the laws of this state regulating drugs when on June 28, 2009; she was in possession of drug			
8	paraphernalia and controlled substances.			
9				
10	ORDER			
11	IT IS SO ORDERED that Pharmacy Technician Registration No. TCH 77115, heretofore			
12	issued to Respondent Samantha Lookman, is revoked.			
13	Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a			
14	written motion requesting that the Decision be vacated and stating the grounds relied on within			
15	seven (7) days after service of the Decision on Respondent. The agency in its discretion may			
16	vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.			
17				
18	This Decision shall become effective on August 5, 2010.			
19	It is so ORDERED July 6, 2010.			
20	// c. entron			
21	STANLEY C. WEISSER, BOARD PRESIDENT			
22	FOR THE BOARD OF PHARMACY DEPARTMENT OF CONSUMER AFFAIRS			
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24	Attachment: Exhibit A: Accusation No. 3518			
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DEFAULT DECISION AND ORDER (Case No. 3518)

Exhibit A Accusation No. 3518

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10	BOARD OF PHARMACY DEPARTMENT OF CONSUMER AFFAIRS STATE OF CALIFORNIA			
10		ALIFUKNIA		
12	In the Matter of the Accusation Against:	Case No. 3518		
	SAMANTHA L. LOOKMAN			
13	17586 Orange Dr. Yorba Linda, CA 92886	ACCUSATION		
14	· .			
15	Pharmacy Technician License No. TCH 77115			
16	Respondent.			
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19	Complainant alleges:			
20	PAR	TIES		
21	1. Virginia Herold (Complainant) bring	s this Accusation solely in her official capacity		
22	as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs.			
23	2. On or about October 31, 2007, the B	oard of Pharmacy issued Pharmacy Technician		
24	license Number TCH 77115 to Samantha L. Loo	kman (Respondent). The Pharmacy Technician		
25	license was in full force and effect at all times re	levant to the charges brought herein and will		
26	expire on January 31, 2011, unless renewed.			
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		Accusation		

1	JURISDICTION		
2	3. This Accusation is brought before the Board of Pharmacy (Board), Department of		
3	Consumer Affairs, under the authority of the following laws. All section references are to the		
4	Business and Professions Code unless otherwise indicated.		
5	4. Section 4300 of the Code states:		
6	(a) Every license issued may be suspended or revoked.		
7 8			
9	(1) Suspending judgment.		
10 11	 (2) Placing him or her upon probation. (3) Suspending his or her right to practice for a period not exceeding one year. (4) Revoking his or her license. (5) Taking any other extent is relation to disciplining him of the hermitian in the second se		
12	(5) Taking any other action in relation to disciplining him or her as the board in its discretion may deem proper.		
12	••••		
14	5. Section 118, subdivision (b), of the Code provides that the suspension, expiration,		
15	surrender, or cancellation of a license shall not deprive the Board of jurisdiction to proceed with a		
16	disciplinary action during the period within which the license may be renewed, restored, reissued		
17	or instated.		
18	STATUTORY AND REGULATORY PROVISIONS		
19	6. Section 482 of the Code states:		
20	Each board under the provisions of this code shall develop criteria to evaluate the rehabilitation of a person when:		
21 22	(a) Considering the denial of a license by the board under Section 480; or(b) Considering suspension or revocation of a license under Section 490.		
23	Each board shall take into account all competent evidence of rehabilitation		
24	furnished by the applicant or licensee.		
25	7. Section 490 provides, in pertinent part, that a board may suspend or revoke a license		
26	on the ground that the licensee has been convicted of a crime substantially related to the		
27	qualifications, functions, or duties of the business or profession for which the license was issued.		
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	Accusation		

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8. Section 4060 provides that "No person shall possess any controlled substance, except 1 that furnished to a person upon the prescription of a physician, dentist, podiatrist, or 2 veterinarian " 3 9. Section 4301 of the Code states: 4 5 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 6 misrepresentation or issued by mistake. Unprofessional conduct shall include, but is not limited to, any of the following: 7 8 (i) The violation of any of the statutes of this state, or any other state, or of the 9 United States regulating controlled substances and dangerous drugs. 10 11 (1) 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 12 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 13 regulating controlled substances or dangerous drugs shall be conclusive evidence only of the fact that the conviction occurred. The board may inquire into the 14 circumstances surrounding the commission of the crime, in order to fix the degree of discipline or, in the case of a conviction not substantially related to the qualifications, 15 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 16 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 17 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 18 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. 19 20 Title 16, CCR, section 1769 provides: 10. 21 22 (b) When considering the suspension or revocation of a facility or a personal license on the ground that the licensee or the registrant has been convicted of a crime, the 23 board, in evaluating the rehabilitation of such person and his present eligibility for a license will consider the following criteria: 24 (1) Nature and severity of the act(s) or offense(s). 25 (2) Total criminal record. (3) The time that has elapsed since commission of the act(s) or offense(s). 26 (4) Whether the licensee has complied with all terms of parole, probation, restitution or any other sanctions lawfully imposed against the licensee. 27 (5) Evidence, if any, of rehabilitation submitted by the licensee. 111 28 3

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Title 16, California Code of Regulations, 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.

12. Health and Safety Code section 11364 states:

(a) It is unlawful to possess an opium pipe or any device, contrivance, instrument, or paraphernalia used for unlawfully injecting or smoking (1) a controlled substance specified in subdivision (b), (c), or (e), or paragraph (1) of subdivision (f) of Section 11054, specified in paragraph (14), (15), or (20) of subdivision (d) of Section 11054, specified in subdivision (b) or (c) of Section 11055, or specified in paragraph (2) of subdivision (d) of Section 11055, or (2) a controlled substance which is a narcotic drug classified in Schedule III, IV, or V.

DRUGS

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

Code section 11055(b)(6), and is a dangerous drug pursuant to Business and Professions Code section 4022.

19 15. Ecstasy, or MDMA (3,4-methylenedioxymethamphetamine), is a Schedule I
20 controlled substance as designated by Health and Safety Code section 11054(d), and is a
21 dangerous drug pursuant to Business and Professions Code section 4022.

16. Vicodin, a brand name for acetaminophen and hydrocodone bitartrate, is a Schedule
III controlled substance as designated by Health and Safety Code Section 11056, and is a
dangerous drug pursuant to Business and Professions Code section 4022.

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FIRST CAUSE FOR DISCIPLINE

(April 10, 2009 Conviction of Possession of Controlled Substance Paraphernalia on December 3, 2008)

17. Respondent is subject to disciplinary action under Code sections 4301(l) and 490, for conviction of a crime that is substantially related to the qualifications, functions and duties of a pharmacy technician in that on April 10, 2009, in People *of the State of California v. Samantha Lynn Lookman*, Orange County Superior Court, Case No. 08CM13609, Respondent was convicted on her guilty plea of violation of Health and Safety Code section 11364, possession of drug paraphernalia.

The circumstances are as follows. On or about December 3, 2008, an officer of the 10 18. Orange Police Department conducted a traffic stop of Respondent's vehicle because of an 11 extinguished license plate lamp in violation of Vehicle Code section 24601. During the traffic 12 stop, the officer identified the passenger of Respondent's vehicle as S.E., who was on probation 13 for hit and run. The officer approached S.E. and asked him whether he had anything illegal on his 14 person. S.E. denied possessing any illegal item and consented to a search. The officer 15 approached Respondent and asked her if she had anything illegal on her person or in the vehicle. 16 Respondent denied possessing any illegal item and consented to a search of her person and 17 vehicle. During the search, the police officer found a straight glass pipe with a bulbous end, 18 known by the officer, from his training and experience, to be used for smoking 19 methamphetamine. Respondent was arrested and charged with violation of Health and Safety 20 Code 11364, possession of controlled substance paraphernalia. 21

19. On April 10, 2009, Respondent entered a guilty plea. Under Penal Code section
1000, *et seq.* judgment was deferred for 18 months and Respondent was required to complete a
deferred entry of judgment drug treatment program. On December 7, 2009, Respondent was
terminated from the deferred entry of judgment program and was sentenced to 3 years informal
probation and was required to complete a drug rehabilitation program.

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1	SECOND CAUSE FOR DISCIPLINE		
2	(Unprofessional Conduct – Violation of Laws on December 3, 2008-Possession)		
3	20. Respondent is subject to disciplinary action under Code section 4301(j) in that		
4	Respondent violated the laws of this state regulating drugs when on December 3, 2008, she was		
5	in possession of drug paraphernalia in violation of Health and Safety Code section 11364, as set		
6	forth in the First Cause of Discipline above and incorporated herein by this reference.		
7	• <u>THIRD CAUSE FOR DISCIPLINE</u>		
8	(Unprofessional Conduct – Violation of Laws on June 28, 2009-Possession)		
9	21. Respondent is subject to disciplinary action under Code section 4301(j) in that	+-	
10	Respondent violated the laws of this state regulating drugs when on June 28, 2009, she was in		
11	possession of drug paraphernalia and controlled substances in violation of Business and		
12	Professions Code section 4060 and Health and Safety Code section 11364. The circumstances are)	
13	as follows.		
14	22. On June 28, 2009 at about 2330 hours, a Brea police officer saw Respondent's		
15	vehicle driving without a front license plate. The officer conducted a traffic stop. Respondent		
16	and a puppy were the only occupants of the vehicle. After making contact with Respondent, the		
17	officer discovered that her driver's license was suspended. Respondent admitted that her license		
18	was in fact suspended and that she shouldn't be driving. Respondent was arrested for driving		
19 [.]	with a suspended license in violation of Vehicle Code section 14601.1(a). When Respondent was	;	
20	advised she was going to be taken into custody, the officer asked her whether the officer should		
21	contact Orange County Animal Control to take custody of the puppy or whether he should place it	t	
22	inside her apartment. Respondent advised the officer to leave the puppy in her apartment and that	t	
23	she would call her parents to check on it. She stated that she lived alone and that no one was at		
24	her apartment. The officers went to the front door, about 50 feet away from the location of the		
25	traffic stop, used Respondent's key to open the door and announced their entry. While		
26	conducting a protective sweep of the apartment, the officers entered the master bedroom where		
27	they observed white tablets on a nightstand. The tablets were later identified as generic Vicodin		
28	pills.		
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	Accusation	1	

23. During an inventory search of Respondent's vehicle prior to impounding, another officer located a black purse inside of which contained a black case. Inside the black case was a glass pipe with a small bulb at one end. The pipe had white residue with brown burn marks at the end of the bulb. The black case also contained an orange plastic tube containing a clear, hard, crystallized, substance. The substance was later tested and was positive for methamphetamine.

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MATTERS IN AGGRAVATION

(Unprofessional Conduct-Violation of Law on October 3, 2006)

24. To determine the degree of discipline, if any, to be imposed on Respondent, Complainant alleges as follows.

25. On October 3, 2006 at 2132 hours, officers of the Westminster Police Department 10 responded to a call about 5-6 male and female juveniles seen coming and going from a laundry 11 room located in a mobile home park. Behind the laundry room is an unlit, small dirt lot. While 12 the officers were checking the area, a male jumped the wall behind the laundry room and landed 13 next to the officers. The officers confronted the male but he ran away. While chasing the male, 14 one of the officers recognized a man, D.G., from responding to previous calls from the mobile 15 home park, walking away from the laundry area. The officers contacted D.G. about the male who 16 ran away. During the officer's contact with D.G., a vehicle driven by Respondent containing 3 17 passengers drove by. The officer also recognized one of the passengers from previous calls to the 18 area who was known to be associated with D.G. Since the male who ran away could have been 19 one of the passengers and because the occupants of the car and D.G. could have been the 20 juveniles seen loitering around the laundry area, the officer stopped the vehicle and asked the 21 occupants to exit. 22

23 26. Respondent admitted that the vehicle she was driving was registered to her parents 24 but that she is the only person who drives it. She agreed to a search of the vehicle. When asked 25 if there were any drugs inside the vehicle, Respondent hesitated and then stated that she had given 26 her sister a ride to work earlier that day and that her sister left a pipe and cocaine. She stated that 27 they were locked in the center console of the car. Respondent said she locked the console so she 28 would not touch it. The officer found a black purse that Respondent admitted was hers. Inside

the purse was a small, pink, zippered case. The officer opened the case and found make up, and a 1 small, blue Ziploc bag containing a white rock. The officer conducted a narcotics field test of the 2 white rock at the scene and it tested positive for cocaine. 3

27. The officer unlocked the center console and found a colored glass pipe, a red straw 4 with white residue inside, a small metal scale and a Ziploc bag containing 2 blue pills, each with 5 Mickey Mouse printed on one side. The blue pills were tested at the station and tested positive 6 for opium alkaloid/codeine/amphetamine, and were identified by the officer as Ecstasy.

PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, 9 and that following the hearing, the Board of Pharmacy issue a decision: 10

Revoking or suspending Pharmacy Technician license Number TCH 77115, issued to 11 1. Samantha L. Lookman; 12

2. Ordering Samantha L. Lookman to pay the Board of Pharmacy the reasonable costs 13 of the investigation and enforcement of this case, pursuant to Business and Professions Code 14 section 125.3; and, 15

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

> > IRGINIA H

Executive Officer

Board of Pharmacy

State of California Complainant

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Department of Consumer Affairs

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DATED: 3/15/10

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