

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

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

In the Matter of the Accusation Against:

Case No. 3555

**DEFAULT DECISION AND ORDER**

**LORI ANN MAXIE  
6909 Knowlton Place #103  
Los Angeles, CA 90045  
Pharmacy Technician Registration  
No. TCH 21460**

[Gov. Code, §11520]

Respondent.

FINDINGS OF FACT

1. On or about May 28, 2010, Complainant Virginia Herold, in her official capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs, filed Accusation No. 3555 against Lori Ann Maxie (Respondent) before the Board of Pharmacy.

2. On or about February 14, 1997, the Board of Pharmacy (Board) issued Pharmacy Technician Registration No. TCH 21460 to Respondent. The Pharmacy Technician Registration expired on May 31, 2010 and has not been renewed.

3. On or about June 7, 2010, Rebeca Garcia, an employee of the Department of Justice, served by Certified Mail a copy of the Accusation No. 3555, Statement to Respondent, Notice of

1 Defense, Request for Discovery, and Government Code sections 11507.5, 11507.6, and 11507.7  
2 to Respondent's address of record with the Board, which was and is:

3 6909 Knowlton Place, #103  
4 Los Angeles, CA 90045.

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

7 5. On or about June 9, 2010, the aforementioned documents were returned by the U.S.  
8 Postal Service marked "foe" and "fts."

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

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

15 7. Respondent failed to file a Notice of Defense within 15 days after service upon her of  
16 the Accusation, and therefore waived her right to a hearing on the merits of Accusation No. 3555.

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 the  
19 hearing, the agency may take action based upon the respondent's express admissions  
20 or upon other evidence and affidavits may be used as evidence without any notice to  
21 respondent.

22 9. Pursuant to its authority under Government Code section 11520, the Board finds  
23 Respondent is in default. The Board will take action without further hearing and finds that the  
24 allegations in Accusation No. 3555 are true.

25 10. The total cost for investigation and enforcement in connection with the Accusation  
26 are \$6,694 as of August 12, 2010.

27 DETERMINATION OF ISSUES

28 1. Based on the foregoing findings of fact, Respondent Lori Ann Maxie (Respondent)  
has subjected her Pharmacy Technician Registration No. TCH 21460 to discipline.

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

1           3.     The Board of Pharmacy is authorized to revoke Respondent's Pharmacy Technician  
2 Registration based upon the following violations alleged in the Accusation:

3           a.     Respondent has subjected her license to disciplinary action under Code section  
4 4301, subdivisions (j) and/or (o), and/or Health and Safety Code section 11173, subdivision (a),  
5 in that Respondent obtained controlled substances by fraud, deceit, misrepresentation, subterfuge  
6 and/or the concealment of a material fact. The circumstances are that on or about October 14,  
7 2008, while employed as a pharmacy technician at Longs Drugs in Los Angeles, California,  
8 Respondent utilized a forged prescription to remove ninety tablets of OxyContin 80 milligrams  
9 from the pharmacy by concealment, fraud and deceit in violation of law.

10          b.     Respondent has subjected her license to disciplinary action under Code section  
11 4301, subdivision (f), in that Respondent engaged in an act involving moral turpitude, dishonesty,  
12 fraud, deceit, and/or corruption. The circumstances are that on or about October 14, 2008, while  
13 employed as a pharmacy technician at Longs Drugs in Los Angeles, California, Respondent  
14 utilized a forged prescription to remove ninety tablets of OxyContin 80 milligrams from the  
15 pharmacy by concealment, fraud and deceit in violation of law.

16          c.     Respondent has subjected her license to disciplinary action under Code sections  
17 4301, subdivisions (j) and/or (o), and/or 4060, for possessing a controlled substance without a  
18 prescription. The circumstances are that on or about October 14, 2008, while employed as a  
19 pharmacy technician at Longs Drugs in Los Angeles, California, Respondent utilized a forged  
20 prescription to remove ninety tablets of OxyContin 80 milligrams from the pharmacy by  
21 concealment, fraud and deceit in violation of law.

22          d.     Respondent has subjected her license to disciplinary action under Code sections  
23 4301, subdivisions (j) and/or (o), and/or 4324 subdivisions (a) and (b), for possessing a controlled  
24 substance secured with a forged prescription and for passing a forged prescription. The  
25 circumstances are that on or about October 14, 2008, while employed as a pharmacy technician at  
26 Longs Drugs in Los Angeles, California, Respondent utilized a forged prescription to remove  
27 ninety tablets of OxyContin 80 milligrams from the pharmacy by concealment, fraud and deceit  
28 in violation of law.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

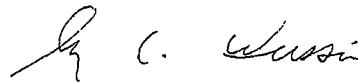
ORDER

IT IS SO ORDERED that Pharmacy Technician Registration No. TCH 21460, heretofore issued to Respondent Lori Ann Maxie, 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 March 28, 2011.

It is so ORDERED February 25, 2011.



---

STANLEY C. WEISSER, BOARD PRESIDENT  
FOR THE BOARD OF PHARMACY  
DEPARTMENT OF CONSUMER AFFAIRS

50727917.DOCX  
LA2009604714

Exhibit A- Accusation 3555

1 EDMUND G. BROWN JR.  
Attorney General of California  
2 KAREN B. CHAPPELLE  
Supervising Deputy Attorney General  
3 CHRISTINA V. TUSAN  
Deputy Attorney General  
4 State Bar No. 192203  
300 So. Spring Street, Suite 1702  
5 Los Angeles, CA 90013  
Telephone: (213) 897-2643  
6 Facsimile: (213) 897-2804  
*Attorneys for Complainant*  
7

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

11 In the Matter of the Accusation Against:  
12 **LORI ANN MAXIE**  
6909 Knowlton Place, #103  
13 Los Angeles, CA 90045  
**Pharmacy Technician**  
14 **License No. TCH 21460**  
15  
16 Respondent.

Case No. 3555

**A C C U S A T I O N**

17 Complainant alleges:

18 **PARTIES**

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

21 2. On or about February 14, 1997, the Board of Pharmacy (Board) issued Pharmacy  
22 Technician License Number TCH 21460 to Lori A. Maxie, also known as Lori Ann Maxie  
23 (Respondent Maxie). The Pharmacy Technician License was in full force and effect at all times  
24 relevant to the charges brought herein and will expire on May 31, 2010, unless renewed.

25 **JURISDICTION**

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



1 county jail for not more than one year.”

2 9. Section 4060 of the Code states, in pertinent part:

3 “No person shall possess any controlled substance, except that furnished to a person upon  
4 the prescription of a physician, dentist, podiatrist, optometrist, veterinarian, or naturopathic doctor  
5 pursuant to Section 3640.7, or furnished pursuant to a drug order issued by a certified nurse-  
6 midwife pursuant to Section 2746.51, a nurse practitioner pursuant to Section 2836.1, a physician  
7 assistant pursuant to Section 3502.1, a naturopathic doctor pursuant to Section 3640.5, or a  
8 pharmacist pursuant to either Section 4052.1 or 4052.2.

9 “This section shall not apply to the possession of any controlled substance by a  
10 manufacturer, wholesaler, pharmacy, pharmacist, physician, podiatrist, dentist, optometrist,  
11 veterinarian, naturopathic doctor, certified nurse-midwife, nurse practitioner, or physician  
12 assistant, when in stock in containers correctly labeled with the name and address of the supplier  
13 or producer.”

14 10. Section 11173 of the Health and Safety Code states:

15 “(a) No person shall obtain or attempt to obtain controlled substances, or procure or  
16 attempt to procure the administration of or prescription for controlled substances, (1) by fraud,  
17 deceit, misrepresentation, or subterfuge; or (2) by the concealment of a material fact.”

18 **COST RECOVERY**

19 11. Section 125.3 of the Code provides, in pertinent part, that the Board may request  
20 the administrative law judge to direct a licentiate found to have committed a violation of the  
21 licensing act to pay a sum not to exceed its reasonable costs of investigation and enforcement.

22 **CONTROLLED SUBSTANCES / DANGEROUS DRUGS**

23 12. Section 4021 of the Code states:

24 “‘Controlled substance’ means any substance listed in Chapter 2 (commencing with  
25 Section 11053) of Division 10 of the Health and Safety Code.”

26 13. Section 4022 of the Code states, in pertinent part:

27 “‘Dangerous drug’ or ‘dangerous device’ means any drug or device unsafe for self-use,  
28 except veterinary drugs that are labeled as such, and includes the following:







1 THIRD CAUSE FOR DISCIPLINE

2 As to Respondent Maxie

3 (Unprofessional Conduct/Possession of a Controlled Substance Without a Prescription)

4 20. Respondent Maxie has subjected her license to disciplinary action under Code  
5 sections 4301, subdivisions (j) and/or (o), and/or 4060, for possessing a controlled substance  
6 without a prescription. Complainant refers to and incorporates all the allegations set forth in  
7 paragraphs 15 through 19 as though set forth fully.

8 FOURTH CAUSE FOR DISCIPLINE

9 As to Respondent Maxie

10 (Unprofessional Conduct/Possession of a Drugs Obtained by Forged Prescription)

11 21. Respondent Maxie has subjected her license to disciplinary action under Code  
12 sections 4301, subdivisions (j) and/or (o), and/or 4324 subdivisions (a) and (b), for possessing a  
13 controlled substance secured with a forged prescription and for passing a forged prescription.  
14 Complainant refers to and incorporates all the allegations set forth in paragraphs 15 through 20 as  
15 though set forth fully.

16 **PRAYER**

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

19 1. Revoking or suspending Pharmacy Technician License Number TCH 21460, issued  
20 to Lori Ann Maxie;

21 2. Ordering Lori Ann Maxie to pay the Board of Pharmacy the reasonable costs of the  
22 investigation and enforcement of this case, pursuant to Business and Professions Code section  
23 125.3; and

24 ///

25 ///

26 ///

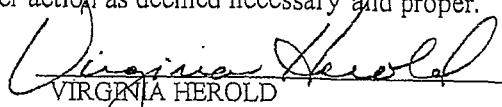
27 ///

28 ///

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

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

DATED: 5/28/10



VIRGINIA HEROLD  
Executive Officer  
Board of Pharmacy  
Department of Consumer Affairs  
State of California  
*Complainant*

LA2009604714  
10536523.doc