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

In the Matter of the Accusation Against:

TAJZA MONET-MAXINE HOUSTON
3100 Martin Luther King Way
Berkeley, CA 94703

Pharmacy Technician License No. TCH 83930

Respondent.

Case No. 3638

DEFAULT DECISION AND ORDER

[Gov. Code, §11520]

FINDINGS OF FACT

1. On or about September 23, 2010, Complainant Virginia Herold, in her official capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs, filed Accusation No. 3638 against Tajza Monet-Maxine Houston (Respondent) before the Board of Pharmacy. A true and correct copy of the Accusation is attached as exhibit A.
2. On or about July 14, 2008, the Board of Pharmacy (Board) issued Pharmacy Technician License No. TCH 83930 to Respondent. The License was in full force and effect at all times relevant to the charges herein and will expire on October 31, 2011, unless renewed.
3. On or about October 1, 2010, Respondent was served by Certified and First Class Mail with copies of: Accusation No. 3638; a Statement to Respondent, a Notice of Defense (2 copies); a Request for Discovery; and the Discovery Statutes (Gov.Code, §§ 11507.5 -11507.7) at Respondent's address of record, which was and is: 3100 Martin Luther King Way, Berkeley, CA 94703. Pursuant to Business and Professions Code section 136 and/or 4100, and/or California Code of Regulations, title 16, section 1704, Respondent's address of record, and any changes thereto, are required to be reported and maintained with the Board of Pharmacy (Board).

1 4. Service of the Accusation was effective as a matter of law under Government Code
2 section 11505, subdivision (c) and/or Business and Professions Code section 124.

3 5. On or about October 12, 2010, the copies of the aforementioned documents sent by
4 First Class Mail were returned by the U.S. Postal Service marked "Vacant." On or about October
5 18, 2010, the copies of the aforementioned documents sent by Certified Mail were returned by the
6 U.S. Postal Service marked "Return to Sender – Not Deliverable – Unable to Forward."

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

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

13 7. Respondent failed to file a Notice of Defense within 15 days after service upon her of
14 the Accusation, and therefore waived her right to a hearing on the merits of Accusation No. 3638.

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

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

20 9. Pursuant to its authority under Government Code section 11520, the Board finds
21 Respondent is in default. The Board will take action without further hearing and, based on the
22 relevant evidence contained in the Default Decision Investigatory Evidence Packet in this matter,
23 as well as taking official notice of all the investigatory reports, exhibits and statements contained
24 therein on file at the Board's offices regarding the allegations contained in Accusation No. 3638,
25 finds that the charges and allegations in Accusation No. 3638, are separately and severally true
26 and correct by clear and convincing evidence.

27 10. Taking official notice of its own internal records, pursuant to Business and
28 Professions Code section 125.3, it is hereby determined that the reasonable costs for Investigation
and Enforcement is \$2,140.00 as of February 8, 2011.

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DETERMINATION OF ISSUES

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2 1. Based on the foregoing findings of fact, Respondent Tajza Monet-Maxine Houston
3 has subjected her Pharmacy Technician License No. TCH 83930 to discipline.

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

5 3. The Board of Pharmacy is authorized to revoke Respondent's Pharmacy Technician
6 License based upon the following violations alleged in the Accusation which are supported by the
7 evidence contained in the Default Decision Investigatory Evidence Packet in this case.:

8 a. In violation of Business and Professions Code section(s) 4301(j), (o) and/or 4059,
9 Respondent furnished to herself or another without valid prescription, and/or conspired to furnish,
10 and/or assisted or abetted furnishing of, a controlled substance(s), in that (1) on or about April 21,
11 2009 San Francisco Police observed Respondent participating in at least two transactions during
12 which she exchanged/sold base (rock/crack) **cocaine** for cash, (2) on or about December 18,
13 2009, Respondent was interrupted by San Francisco Police in the midst of a transaction in which
14 she exchanged/sold or purchased/bought base (rock/crack) **cocaine** for cash, while a search of her
15 person also found twenty-two (22) small bags of **marijuana**, and (3) Respondent admitted to
16 being in the business of selling **marijuana** on the streets of San Francisco.

17 b. In violation of Business and Professions Code section(s) 4301(j), (o) and/or 4060,
18 and/or Health and Safety Code section(s) 11350 and/or 11357, Respondent, as described above,
19 possessed, conspired to possess, and/or assisted in or abetted possession of, a controlled
20 substance, without a valid prescription;

21 c. In violation of Business and Professions Code section(s) 4301(j) and/or (o), and/or
22 Health and Safety Code section(s) 11351.5 and/or 11359, Respondent, as described above,
23 possessed or purchased, conspired to possess or purchase, and/or assisted/abetted possession or
24 purchase, of a controlled substance for sale.

25 d. In violation of Business and Professions Code section(s) 4301(j) and/or (o), and/or
26 Health and Safety Code section 11352, Respondent, as described above, transported, imported,
27 sold, furnished, administered, or gave away, or offered, attempted, conspired, and/or
28 assisted/abetted any of these actions, as to a controlled substance.

1 e. In violation of Business and Professions Code section 4301, Respondent, as described
2 above, engaged in unprofessional conduct.

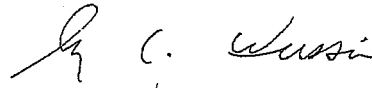
3
4 ORDER

5 IT IS SO ORDERED that Pharmacy Technician Registration No. TCH 83930, heretofore
6 issued to Respondent Tajza Monet-Maxine Houston, is revoked.

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

11 This Decision shall become effective on May 11, 2011.

12 It is so ORDERED April 11, 2011.

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

18 20404306.DOC
19 DOJ Matter ID:SF2010200598

20 Attachment:
21 Exhibit A: Accusation

Exhibit A

Accusation

1 EDMUND G. BROWN JR.
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2 FRANK H. PACOE
Supervising Deputy Attorney General
3 JOSHUA A. ROOM
Deputy Attorney General
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6 Facsimile: (415) 703-5480
Attorneys for Complainant

7
8 **BEFORE THE**
BOARD OF PHARMACY
9 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

10 In the Matter of the Accusation Against:

Case No. 3638

11 **TAJZA MONET-MAXINE HOUSTON**
12 **3100 Martin Luther King Jr. Way**
13 **Berkeley, CA 94703**

A C C U S A T I O N

14 **Pharmacy Technician License No. TCH 83930**

15 Respondent.

16 Complainant alleges:

17
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 July 14, 2008, the Board of Pharmacy issued Pharmacy Technician
22 License No. TCH 83930 to Tajza Monet-Maxine Houston (Respondent). The Pharmacy
23 Technician License was in full force and effect at all times relevant to the charges brought herein
24 and will expire on October 31, 2011, unless renewed.

25 JURISDICTION

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

1 7. Section 490 of the Code provides, in pertinent part, that the Board may suspend or
2 revoke a license when it finds that the licensee has been convicted of a crime substantially related
3 to the qualifications, functions or duties of the license.

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

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

11 9. Section 4059 of the Code, in pertinent part, prohibits furnishing of any dangerous
12 drug or dangerous device except upon the prescription of an authorized prescriber.

13 10. Section 4060 of the Code provides, in pertinent part, that no person shall possess any
14 controlled substance, except that furnished upon a valid prescription/drug order.

15 11. Health and Safety Code section 11350, in pertinent part, makes it unlawful to possess
16 a controlled substance in Schedule I, subdivision(s) (b), (c), or (f)(1), Schedule II, subdivision(s)
17 (b) or (c), or any narcotic drug in Schedules III-V, absent a valid prescription.

18 12. Health and Safety Code section 11351.5, in pertinent part, makes it unlawful to
19 possess for sale or purchase for purposes of sale, cocaine base (aka rock/crack cocaine) as
20 specified in (Schedule I) Health and Safety Code section 11054(f)(1).

21 13. Health and Safety Code section 11352, in pertinent part, makes it unlawful to offer to,
22 attempt to, or succeed in transporting, importing, selling, furnishing, administering, or giving
23 away, a controlled substance in Schedule I, subdivision(s) (b), (c), (e), or (f)(1).

24 14. Health and Safety Code section 11357, in pertinent part, makes it unlawful for any
25 person to possess **marijuana** or concentrated cannabis.

26 15. Health and Safety Code section 11359, in pertinent part, makes it unlawful for any
27 person to possess **marijuana** for purposes of sale.

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1 COST RECOVERY

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

5 CONTROLLED SUBSTANCES / DANGEROUS DRUGS

6 17. Section 4021 of the Code states:

7 “‘Controlled substance’ means any substance listed in Chapter 2 (commencing with Section
8 11053) of Division 10 of the Health and Safety Code.”

9 18. Section 4022 of the Code states, in pertinent part:

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

12 “(a) Any drug that bears the legend: ‘Caution: federal law prohibits dispensing without
13 prescription,’ ‘Rx only,’ or words of similar import. . . .

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

16 19. **Cocaine** is a Schedule I (in base/rock/crack form) or Schedule II controlled substance
17 as designated by Health and Safety Code sections 11054(f)(1) and 11055(b)(6) and a dangerous
18 drug as designated by Business and Professions Code section 4022. It is a narcotic drug.

19 20. **Marijuana** is a Schedule I controlled substance as designated by Health and Safety
20 Code section 11054(d)(13), and a dangerous drug as designated by Business and Professions
21 Code section 4022. It is a hallucinogenic drug.

22 FACTUAL BACKGROUND

23 21. On or about April 21, 2009, San Francisco Police observed Respondent participating
24 in at least two transactions in which she exchanged/sold base (rock/crack) cocaine for cash.

25 22. On or about December 18, 2009, Respondent was interrupted by San Francisco Police
26 in the midst of a transaction in which she exchanged/sold or purchased/bought base (rock/crack)
27 cocaine for cash. A search of her person also found twenty-two (22) small bags of **marijuana**.
28 Respondent admitted to being in the business of selling **marijuana**.

1 FOURTH CAUSE FOR DISCIPLINE

2 (Transporting, Selling, or Giving Away Controlled Substance)

3 27. Respondent is subject to discipline under section 4301(j) and/or (o) of the Code,
4 and/or Health and Safety Code section 11352, in that Respondent, as described in paragraph(s) 21
5 and/or 22 above, transported, imported, sold, furnished, administered, or gave away, or offered,
6 attempted, conspired, and/or assisted/abetted any of these actions, as to a controlled substance.

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8 FIFTH CAUSE FOR DISCIPLINE

9 (Unprofessional Conduct)

10 28. Respondent is subject to discipline under section 4301 of the Code in that
11 Respondent, as described in paragraphs 21 to 27 above, engaged in unprofessional conduct.

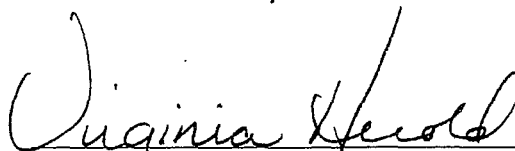
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13 PRAYER

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

- 16 1. Revoking or suspending Pharmacy Technician License No. TCH 83930, issued to
- 17 Tajza Monet-Maxine Houston (Respondent);
- 18 2. Ordering Respondent to pay the Board the reasonable costs of the investigation and
- 19 enforcement of this case, pursuant to Business and Professions Code section 125.3;
- 20 3. Taking such other and further action as is deemed necessary and proper.

21
22 DATED: _____

9/23/10



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

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