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

11 In the Matter of the Accusation Against:

Case No. 3783

12 **CHARLOTTE YUKO LEW**
13 **a.k.a. CHARLOTTE YUKO OGAWA**
14 **a.k.a. CHARLOTTE YUKO OGAWA**
15 **a.k.a. CHARLOTTE LEW**
16 **a.k.a. CHARLOTTE Y. LEW**
17 **a.k.a. CHARLOTTE OGAWA**
18 783 Leyland Drive
19 Diamond Bar, CA 91765

DEFAULT DECISION AND ORDER

[Gov. Code, §11520]

20 Pharmacy Technician License No. TCH 9655

21 Respondent.

22 FINDINGS OF FACT

23 1. On or about September 23, 2011, Complainant Virginia Herold, in her official
24 capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs,
25 filed Accusation No. 3783 against Charlotte Yuko Lew, also known as Chariottey Yuko Ogawa,
26 Charlotte Yuko Ogawa, Charlotte Lew, Charlotte Y. Lew, and Charlotte Ogawa (Respondent)
27 before the Board of Pharmacy. (Accusation attached as Exhibit A.)

28 2. On or about September 5, 1993, the Board of Pharmacy (Board) issued Pharmacy
Technician License No. TCH 9655 to Respondent. The Pharmacy Technician License was in full
force and effect at all times relevant to the charges brought in Accusation No. 3783 and will
expire on March 31, 2013, unless renewed.

1 3. On or about October 13, 2011, Respondent was served by Certified and First Class
2 Mail copies of the Accusation No. 3783, Statement to Respondent, Notice of Defense, Request
3 for Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6, and
4 11507.7) at Respondent's address of record which, pursuant to Business and Professions Code
5 section 4100, is required to be reported and maintained with the Board, which was and is:
6 783 Leyland Drive, Diamond Bar, CA 91765.

7 4. Service of the Accusation was effective as a matter of law under the provisions of
8 Government Code section 11505, subdivision (c) and/or Business & Professions Code section
9 124.

10 5. On or about January 27, 2012, the certified mailing package of the aforementioned
11 documents was returned by the U.S. Postal Service marked "Unclaimed." The address on the
12 documents was the same as the address on file with the Board. The Board has made attempts to
13 serve the Respondent at the address on file. Respondent has not made herself available for
14 service and therefore, has not availed herself of her right to file a notice of defense and appear at
15 hearing. The first class package was not returned and presumably delivered to the addressee.

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

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

22 7. Respondent failed to file a Notice of Defense within 15 days after service upon her of
23 the Accusation, and therefore waived her right to a hearing on the merits of Accusation No. 3783.

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

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

 9. Pursuant to its authority under Government Code section 11520, the Board finds
Respondent is in default. The Board will take action without further hearing and, based on the
relevant evidence contained in the Default Decision Evidence Packet in this matter, as well as

1 taking official notice of all the investigatory reports, exhibits and statements contained therein on
2 file at the Board's offices regarding the allegations contained in Accusation No. 3783, finds that
3 the charges and allegations in Accusation No. 3783, are separately and severally, found to be true
4 and correct by clear and convincing evidence.

5 10. Taking official notice of its own internal records, pursuant to Business and
6 Professions Code section 125.3, it is hereby determined that the reasonable costs for Investigation
7 and Enforcement is \$ 8,227.50 as of February 3, 2012.

8 DETERMINATION OF ISSUES

9 1. Based on the foregoing findings of fact, Respondent Charlotte Yuko Lew aka
10 Charlotte Yuko Ogawa has subjected her Pharmacy Technician License No. TCH 9655 to
11 discipline.

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

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

16 A. Respondent is subject to disciplinary action under Business and Profession Code
17 sections 4301, subdivision (l) and 490, in conjunction with California Code of Regulations, title
18 16, section 1770, in that Respondent has been convicted of multiple crimes substantially related
19 to the qualifications, functions or duties of a pharmacy technician, as follows:

20 (1) On or about November 5, 2010, after pleading nolo contendere, Respondent was
21 convicted of one felony count of violating Health and Safety Code section 11377, subdivision (a)
22 [possession of a controlled substance- methamphetamine] in the criminal case entitled The People
23 of the State of California v. Charlotte Yuko Lew (Super. Ct. Los Angeles County (Santa Clarita)
24 2010, No. PA065932). The Court sentenced Respondent to serve 16 months in state prison;
25 however execution of the sentence was suspended and Respondent was placed on 36 months
26 formal probation, with terms and conditions, including serving 16 days in county jail, and
27 enrollment in a 365 day residential drug treatment program.

28 ///

1 (a) On or about November 15, 2010, Respondent failed to appear at the Santa
2 Clarita Court for proof of enrollment in a residential drug treatment program. The Court revoked
3 Respondent's probation and ordered a "no bail" bench warrant issued. Pursuant to that warrant,
4 on or about February 14, 2011, Respondent – who had been taken into custody on a different
5 matter – was remanded to the Santa Clarita Court for further proceedings.

6 (b) The circumstances surrounding the conviction are that on or about March
7 2, 2010, at about 4:30 a.m. California Highway Patrol officers stopped Respondent for speeding.
8 A driver's license check revealed that her license had been suspended, and that she had two
9 outstanding "no bail" warrants¹ for drug offenses. Respondent was then arrested. In search of her
10 vehicle and person pursuant to the arrest, officers located five (5) and a half tablets of the drug
11 "Soma," in Respondent's purse, and² small plastic baggies in her front pants pockets containing
12 a white crystalline substance, later identified as Methamphetamine.

13 (2) On or about December 7, 2009, after pleading nolo contendere, Respondent was
14 convicted of three felony counts of violating Health and Safety Code section 11378 [possession
15 for sale of a controlled substance Hydrocodone]; Health and Safety Code section 11378
16 [possession for sale of a controlled substance –Diazepam] and Health and Safety Code section
17 11378 [possession for sale of a controlled substance - Alprazolam] in the criminal case entitled
18 The People of the State of California v. Charlotte Yuko Lew (Super. Ct. Los Angeles County
19 (East District) 2009, No. KA088373). The Court sentenced Respondent to serve a total of 6 years
20 and 4 months in state prison; however execution of the sentence was suspended and Respondent
21 was placed on 3 years formal probation, with terms and conditions, including 180 days in Los
22 Angeles County Jail and payment of costs and fees.

23 (a) On or about February 11, 2010, Respondent failed to appear at the East
24 district courthouse for a violation of probation hearing. The Court revoked Respondent's
25 probation and ordered a "no bail" bench warrant issued. On or about April 13, 2010 Respondent
26 personally appeared and admitted that she had violated the Court's probation order. On or about

27 ¹ Warrant No.: XEAKA0883730 and Warrant No.: XEAKA08814002
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1 August 30, 2010, the Court reinstated Respondent's previous probation on the same terms and
2 conditions, but, due to the probation violation, modified the previous order to add 374 days in Los
3 Angeles County Jail (concurrent sentence for probation violation in case KA088140).

4 (b) The circumstances surrounding the conviction are that on or about August
5 7, 2009, Respondent was detained after a Los Angeles County Sheriff's Department search -
6 pursuant to warrant - of a house where she was then residing, turned up a large amounts of illegal
7 drugs and evidence of narcotics trafficking. Respondent was found to be in possession of
8 Hydrocodone, Diazepam, and Alprazolam, in addition to other drugs.

9 (3) On or about December 7, 2009, after pleading nolo contendere, Respondent was
10 convicted of one felony count of violating Health and Safety Code section 11377, subdivision (a)
11 [possession of a controlled substance-methamphetamine] in the criminal case entitled The People
12 of the State of California v. Charlotte Yuko Lew (Super. Ct. Los Angeles County (East District)
13 2009, No. KA088140). The Court sentenced Respondent to serve 8 months in state prison;
14 however execution of the sentence was suspended and Respondent was placed on 3 years formal
15 probation, with terms and conditions, including 10 days in Los Angeles County Jail and payment
16 of costs and fees.

17 (a) On or about February 11, 2010, Respondent failed to appear at the East
18 district courthouse for a violation of probation hearing. The Court revoked Respondent's
19 probation and ordered a "no bail" bench warrant issued. On or about April 13, 2010 Respondent
20 personally appeared and admitted that she had violated the Court's probation order. On or about
21 August 30, 2010, the Court reinstated Respondent's previous probation on the same terms and
22 conditions, but, due to the probation violation, modified the previous order to add 374 days in Los
23 Angeles County Jail (concurrent sentence for probation violation in case No.KA088373).

24 (b) The circumstances surrounding the conviction are that on or about July 18,
25 2009, Los Angeles County Sheriff's Department officers made a routine traffic stop of
26 Respondent's vehicle. Officers noted a strong smell of marijuana. The driver of the vehicle
27 (Respondent's boyfriend) admitted that he had smoked marijuana, and that he did not have a valid
28 license. Officers then searched the car and questioned Respondent - who was sitting in the front

1 passenger seat and appeared very tired and disheveled. When asked if she had been "using meth,"
2 Respondent replied: "Yeah, I smoked yesterday." When asked if there were any narcotics or
3 weapons in the vehicle, Respondent stated, "I have a little bit of drugs, but no guns or weapons,"
4 and directed officers to look in her purse. Subsequent search revealed three ziplock baggies
5 containing Methamphetamine, which Respondent admitted belonged to her. Respondent then
6 stated that she had a drug problem.

7 (4) On or about April 1, 2005, after pleading nolo contendere, Respondent was
8 convicted of one misdemeanor count of violating Vehicle Code section 23152, subdivision (b)
9 [driving while having 0.08% and more, by weight, of alcohol in her blood] in the criminal case
10 entitled The People of the State of California v. Charlotte Yuko Lew (Super. Ct. Los Angeles
11 County, 2005, No. 5PM02015). The Court placed Respondent on 3 years formal probation, with
12 terms and conditions.

13 (a) The circumstances surrounding the conviction are that on or about
14 December 17, 2004, Respondent drove a vehicle while having 0.08% and more, by weight, of
15 alcohol in her blood.

16 (5) On or about April 29, 1997, after pleading guilty, Respondent was convicted of
17 misdemeanor counts of violating Vehicle Code section 14601.5, subdivision (b) [driving while
18 privilege is suspended or revoked and with knowledge] and Vehicle Code section 22350
19 [speeding] in the criminal case entitled The People of the State of California v. Charlotte Yuko
20 Lew (Super. Ct. Los Angeles County, 1997, No. 7PM01543). The Court placed Respondent on 3
21 years formal probation, with terms and conditions and ordered her to pay fines and fees.

22 (a) The circumstances surrounding the conviction are that on or about March
23 6, 1997, Respondent drove a vehicle while her driving privilege was suspended or revoked and
24 with knowledge.

25 (6) On or about March 7, 1997, after pleading guilty, Respondent was convicted of
26 one misdemeanor count of violating Vehicle Code section 23152, subdivision (a) [driving under
27 the influence of alcohol or drugs] and one misdemeanor count of Vehicle Code section 23152,
28 subdivision (b) [driving while having 0.08% and more, by weight, of alcohol in her blood] in the

1 controlled substance. Complainant refers to, and by this reference incorporates allegations of
2 paragraph 16, subparagraphs (g) through (i) above, as though set forth fully.

3 D. Respondent is subject to disciplinary action under section 4301, subdivision (h), in
4 that on or about December 17, 2004 and January 25, 1997, Respondent used alcoholic beverages
5 to an extent or in a manner dangerous or injurious to herself, another person, or the public, when
6 she operated a vehicle while having 0.08% and more of alcohol in her blood. Complainant refers
7 to, and by this reference incorporates allegations of paragraph 16, subparagraphs (j),(k),(n) and
8 (o) above, as though set forth fully.

9 E. Respondent is subject to disciplinary action under section 4301, subdivision (k), in
10 that on or about April 1, 1995 and March 7,1997, Respondent was convicted of crimes involving
11 the consumption of alcohol. Complainant refers to, and by this reference incorporates allegations
12 of paragraph 16, subparagraphs (j),(k),(n) and (o) above, as though set forth fully.

13 ORDER

14 IT IS ORDERED that Pharmacy Technician License No. TCH 9655, heretofore issued to
15 Respondent Charlotte Yuko Lew, also known as Chariottey Yuko Ogawa, Charlotte Yuko
16 Ogawa, Charlotte Lew, Charlotte Y. Lew, and Charlotte Ogawa (Respondent) is revoked.

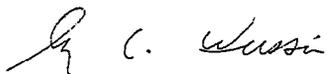
17 Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a
18 written motion requesting that the Decision be vacated and stating the grounds relied on within
19 seven (7) days after service of the Decision on Respondent. The agency in its discretion may
20 vacate the Decision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

21 This decision shall become effective on July 30, 2012.

22 It is so ORDERED on June 29, 2012.

23 BOARD OF PHARMACY
24 DEPARTMENT OF CONSUMER AFFAIRS
25 STATE OF CALIFORNIA

26 By



27 STANLEY C. WEISSER
28 Board President

Exhibit A

Accusation

1 KAMALA D. HARRIS
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2 GREGORY J. SALUTE
Supervising Deputy Attorney General
3 SUSAN MELTON WILSON
Deputy Attorney General
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6 Facsimile: (213) 897-2804

7 *Attorneys for Complainant*

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

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12 **CHARLOTTE YUKO LEW**
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16 **a.k.a., CHARLOTTE Y. LEW**
17 **a.k.a., CHARLOTTE OGAWA**
783 Leyland Drive
Diamond Bar, CA 91765
18
19 Pharmacy Technician License No. TCH 9655
20
21 Respondent.

Case No. 3783
A C C U S A T I O N

19 Complainant alleges:

20 **PARTIES**

- 21 1. Virginia Herold (Complainant) brings 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 September 15, 1993, the Board of Pharmacy (Board) issued Pharmacy
24 Technician License No. TCH 9655 to Charlotte Yuko Lew, also known as Chariottey Yuko
25 Ogawa, Charlotte Yuko Ogawa, Charlotte Lew, Charlotte Y. Lew, and Charlotte Ogawa
26 (Respondent). The Pharmacy Technician License was in full force and effect at all times relevant
27 to the charges brought herein and will expire on March 31, 2013, unless renewed.

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1 8. Section 4301 states, in pertinent part:

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

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

5

6 "(h) The administering to oneself, of any controlled substance, or the use of any
7 dangerous drug or of alcoholic beverages to the extent or in a manner as to be dangerous or
8 injurious to oneself, to a person holding a license under this chapter, or to any other person or to
9 the public, or to the extent that the use impairs the ability of the person to conduct with safety to
10 the public the practice authorized by the license.

11

12 “(k) The conviction of more than one misdemeanor or any felony involving the use,
13 consumption, or self-administration of any dangerous drug or alcoholic beverage, or any
14 combination of those substances.”

15 “(j) The violation of any of the statutes of this state, or any other state, or of the United
16 States regulating controlled substances and dangerous drugs.

17 ...

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

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

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

12 REGULATORY PROVISIONS

13 9. California Code of Regulations, title 16, section 1770 states, in pertinent part:

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

20 COST RECOVERY

21 10. Section 125.3 provides, in pertinent part, that the Board may request the
22 administrative law judge to direct a licentiate found to have committed a violation or violations of
23 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
24 enforcement of the case.

25 CONTROLLED SUBSTANCES

26 11. "Alprazolam," is the generic name for Xanax, an anti-anxiety Benzodiazepine. It is a
27 Schedule IV controlled substance as designated by Health and Safety Code section 11057,
28 subdivision (d)(1) and is categorized as a dangerous drug pursuant to section 4022.

1 b. *Probation Violation* - On or about November 15, 2010, Respondent failed to appear
2 at the Santa Clarita Court for proof of enrollment in a residential drug treatment program. The
3 Court revoked Respondent's probation and ordered a "no bail" bench warrant issued. Pursuant to
4 that warrant, on or about February 14, 2011, Respondent – who had been taken into custody on a
5 different matter – was remanded to the Santa Clarita Court for further proceedings.

6 c. *Circumstances* - The circumstances surrounding the conviction are that on or about
7 March 2, 2010, at about 4:30 a.m. California Highway Patrol officers stopped Respondent for
8 speeding. A driver's license check revealed that her license had been suspended, and that she had
9 two outstanding "no bail" warrants¹ for drug offenses. Respondent was then arrested. In search of
10 her vehicle and person pursuant to the arrest, officers located five (5) and a half tablets of the drug
11 "Soma," in Respondent's purse, and 2 small plastic baggies in her front pants pockets containing
12 a white crystalline substance, later identified as Methamphetamine.

13 **POSSESSION FOR SALE OF CONTROLLED SUBSTANCE (HYDROCODONE)-2009**
14 **POSSESSION FOR SALE OF CONTROLLED SUBSTANCE (DIAZEPAM)-2009**
15 **POSSESSION OF FOR SALE CONTROLLED SUBSTANCE (ALPRAZOLAM) -2009**

16 d. On or about December 7, 2009, after pleading nolo contendere, Respondent was
17 convicted of three felony counts of violating Health and Safety Code section 11378 [possession
18 for sale of a controlled substance Hydrocodone]; Health and Safety Code section 11378
19 [possession for sale of a controlled substance --Diazepam] and Health and Safety Code section
20 11378 [possession for sale of a controlled substance - Alprazolam] in the criminal case entitled
21 *The People of the State of California v. Charlotte Yuko Lew* (Super. Ct. Los Angeles County
22 (East District) 2009, No. KA088373). The Court sentenced Respondent to serve a total of 6 years
23 and 4 months in state prison; however execution of the sentence was suspended and Respondent
24 was placed on 3 years formal probation, with terms and conditions, including 180 days in Los
25 Angeles County Jail and payment of costs and fees.

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27 ¹ Warrant No.: XEAKA0883730 and Warrant No.: XEAKA08814002
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1 e. *Probation violation*² - On or about February 11, 2010, Respondent failed to appear at
2 the East district courthouse for a violation of probation hearing. The Court revoked Respondent's
3 probation and ordered a "no bail" bench warrant issued. On or about April 13, 2010 Respondent
4 personally appeared and admitted that she had violated the Court's probation order. On or about
5 August 30, 2010, the Court reinstated Respondent's previous probation on the same terms and
6 conditions, but, due to the probation violation, modified the previous order to add 374 days in Los
7 Angeles County Jail (concurrent sentence for probation violation in case KA088140).

8 f. *Circumstances* - The circumstances surrounding the conviction are that on or about
9 August 7, 2009, Respondent was detained after a Los Angeles County Sheriff's Department
10 search - pursuant to warrant - of a house where she was then residing, turned up a large amounts
11 of illegal drugs and evidence of narcotics trafficking. Respondent was found to be in possession
12 of Hydrocodone, Diazepam, and Alprazolam, in addition to other drugs.

13 **POSSESSION OF CONTROLLED SUBSTANCE (METHAMPHETAMINE)-2009**

14 g. On or about December 7, 2009, after pleading nolo contendere, Respondent was
15 convicted of one **felony** count of violating Health and Safety Code section 11377, subdivision (a)
16 [possession of a controlled substance-methamphetamine] in the criminal case entitled *The People*
17 *of the State of California v. Charlotte Yuko Lew* (Super. Ct. Los Angeles County (East District)
18 2009, No. KA088140). The Court sentenced Respondent to serve 8 months in state prison;
19 however execution of the sentence was suspended and Respondent was placed on 3 years formal
20 probation, with terms and conditions, including 10 days in Los Angeles County Jail and payment
21 of costs and fees.

22 h. *Probation Violation*³ - On or about February 11, 2010, Respondent failed to appear at
23 the East district courthouse for a violation of probation hearing. The Court revoked Respondent's

24 ² At the time of the February 2010 probation violation hearing, which was requested by
25 the County Probation Department, Respondent was on probation in *two* cases assigned to the East
26 District of L.A. County Superior Court: Case No. KA088140 and Case No.KA088373. Court
orders subsequent to that hearing reference both cases.

27 ³ At the time of the February 2010 probation violation hearing, which was requested by
28 the County Probation Department, Respondent was on probation in *two* cases assigned to the East
District of L.A. County Superior Court : Case No. KA088140 and Case No.KA088373. Court

(continued...)

1 probation and ordered a "no bail" bench warrant issued. On or about April 13, 2010 Respondent
2 personally appeared and admitted that she had violated the Court's probation order. On or about
3 August 30, 2010, the Court reinstated Respondent's previous probation on the same terms and
4 conditions, but, due to the probation violation, modified the previous order to add 374 days in Los
5 Angeles County Jail (concurrent sentence for probation violation in case No.KA088373).

6 i. *Circumstances* - The circumstances surrounding the conviction are that on or about
7 July 18, 2009, Los Angeles County Sheriff's Department officers made a routine traffic stop of
8 Respondent's vehicle. Officers noted a strong smell of marijuana. The driver of the vehicle
9 (Respondent's boyfriend) admitted that he had smoked marijuana, and that he did not have a valid
10 license. Officers then searched the car and questioned Respondent - who was sitting in the front
11 passenger seat and appeared very tired and disheveled. When asked if she had been "using *meth*,"
12 Respondent replied: "Yeah, I smoked yesterday." When asked if there were any narcotics or
13 weapons in the vehicle, Respondent stated, "I have a little bit of drugs, but no guns or weapons,"
14 and directed officers to look in her purse. Subsequent search revealed three ziplock baggies
15 containing Methamphetamine, which Respondent admitted belonged to her. Respondent then
16 stated that she had a drug problem.

17 **DRIVING UNDER THE INFLUENCE OF ALCOHOL -2005**

18 j. On or about April 1, 2005, after pleading nolo contendere, Respondent was convicted
19 of one **misdemeanor** count of violating Vehicle Code section 23152, subdivision (b) [driving
20 while having 0.08% and more, by weight, of alcohol in her blood] in the criminal case entitled
21 *The People of the State of California v. Charlotte Yuko Lew* (Super. Ct. Los Angeles County,
22 2005, No. 5PM02015). The Court placed Respondent on 3 years formal probation, with terms
23 and conditions.

24 k. *Circumstances* - The circumstances surrounding the conviction are that on or about
25 December 17, 2004, Respondent drove a vehicle while having 0.08% and more, by weight, of
26 alcohol in her blood.

27 _____
28 orders subsequent to that hearing reference both cases.

DRIVING WITH A SUSPENDED LICENSE – 1997
SPEEDING - 1997

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l. On or about April 29, 1997, after pleading guilty, Respondent was convicted of **misdemeanor** counts of violating Vehicle Code section 14601.5, subdivision (b) [driving while privilege is suspended or revoked and with knowledge] and Vehicle Code section 22350 [speeding] in the criminal case entitled *The People of the State of California v. Charlotte Yuko Lew* (Super. Ct. Los Angeles County, 1997, No. 7PM01543). The Court placed Respondent on 3 years formal probation, with terms and conditions and ordered her to pay fines and fees.

m. *Circumstances* - The circumstances surrounding the conviction are that on or about March 6, 1997, Respondent drove a vehicle while her driving privilege was suspended or revoked and with knowledge.

DRIVING UNDER THE INFLUENCE OF ALCOHOL - 1997

n. On or about March 7, 1997, after pleading guilty, Respondent was convicted of one **misdemeanor** count of violating Vehicle Code section 23152, subdivision (a) [driving under the influence of alcohol or drugs] and one misdemeanor count of Vehicle Code section 23152, subdivision (b) [driving while having 0.08% and more, by weight, of alcohol in her blood] in the criminal case entitled *The People of the State of California v. Charlotte Yuko Lew* (Super. Ct. Los Angeles County, 2005, No. 7JM01809). The Court sentenced Respondent to two (2) days in jail and ordered her to serve 5 years formal probation, with terms and conditions.

o. *Circumstances* - The circumstances surrounding the conviction are that on or about January 25, 1997, Respondent drove a vehicle while under the influence of alcohol or drugs and while having 0.08% and more, by weight, of alcohol in her blood.

SECOND CAUSE FOR DISCIPLINE

(Illegal Possession of Controlled Substances)

17. Respondent is subject to disciplinary action under section 4301, subdivisions (j) and (o), for violating section 4060, in that Respondent was found on March 2, 2010, August 7, 2009 and July 18, 2009 to be in illegal possession of controlled substances, resulting in her multiple

1 criminal convictions. Complainant refers to, and by this reference incorporates allegations of
2 paragraph 16, subparagraphs (a) through (i) above as though set forth fully.

3 **THIRD CAUSE FOR DISCIPLINE**

4 **(Use/Under Influence of a Controlled Substance)**

5 18. Respondent is subject to disciplinary action under section 4301, subdivisions (h) and
6 (j), in that on or about July 18, 2009, Respondent used and/or was under the influence of a
7 controlled substance. Complainant refers to, and by this reference incorporates allegations of
8 paragraph 16, subparagraphs (g) through (i) above, as though set forth fully.

9 **FOURTH CAUSE FOR DISCIPLINE**

10 **(Dangerous Use of Alcohol)**

11 19. Respondent is subject to disciplinary action under section 4301, subdivision (h), in
12 that on or about December 17, 2004 and January 25, 1997, Respondent used alcoholic beverages
13 to an extent or in a manner dangerous or injurious to herself, another person, or the public, when
14 she operated a vehicle while having 0.08% and more of alcohol in her blood. Complainant refers
15 to, and by this reference incorporates allegations of paragraph 16, subparagraphs (j),(k),(n) and
16 (o) above, as though set forth fully.

17 **FIFTH CAUSE FOR DISCIPLINE**

18 **(Convictions Involving the Consumption of Alcohol)**

19 20. Respondent is subject to disciplinary action under section 4301, subdivision (k), in
20 that on or about April 1, 1995 and March 7,1997, Respondent was convicted of crimes involving
21 the consumption of alcohol. Complainant refers to, and by this reference incorporates allegations
22 of paragraph 16, subparagraphs (j),(k),(n) and (o) above, as though set forth fully.

23 **PRAYER**

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

26 1. Revoking or suspending Pharmacy Technician License No. TCH 9655, issued to
27 Respondent;

28

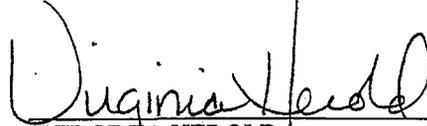
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2. Ordering Respondent to pay the Board the reasonable costs of the investigation and enforcement of this case, pursuant to section 125.3; and

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

DATED: _____

9/23/11



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

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