California State Board of Pharmacy 1625 N. Market Bivd., N219, Sacramento, CA 95834 Phone (916) 574-7900 Fax (916) 574-8618 www.pharmacy.ca.gov

STATE AND CONSUMER SERVICES AGENCY DEPARTMENT OF CONSUMER AFAIRS GOVERNOR EDMUND G. BROWN JR.

May 29, 2012

LETTER OF PUBLIC REPROVAL

CERTIFIED MAIL

Robert Louis Lindsay 413 Ford Road, #C Costa Mesa, CA 92627

Re: LETTER OF PUBLIC REPROVAL In the Matter of the Accusation Against: ROBERT LOUIS LINSDAY Pharmacy Technician Registration No. TCH 85304

Dear Mr. Linsday:

On November 29, 2010, the Board of Pharmacy, Department of Consumer Affairs, State of California, filed an Accusation against your Pharmacy Technician Registration. The Accusation alleges that you engaged in unprofessional conduct under the Business and Professions Code section 4301, subdivision (h), for using a controlled substance, cocaine, and alcohol in a manner dangerous to yourself and others. On February 20, 2012, you admitted to a police officer that you snorted half a gram of cocaine the previous night, and consumed alcohol that day.

Taking into consideration that your blood tested negative for cocaine, that you have no prior history of discipline with the Board, and that there are other mitigating circumstances in this case that support the determination that you are safe to practice as a Pharmacy Technician, the Board has decided that the charges warrant a public reproval.

Accordingly, in resolution of this matter under the authority provided under Business and Professions Code section 495, the Board of Pharmacy, Department of Consumer Affairs, issues this letter of public reproval.

Sincerely, VIRGINIA NEROLD

VIRGINIA REROLD Executive Officer Board of Pharmacy Department of Consumer Affairs

cc: Antoinette B. Cincotta, DAG

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

In the Matter of the Accusation Against:

Case No. 3847

ROBERT LOUIS LINSDAY 413 Ford Road, #C Costa Mesa, CA 92627

Pharmacy Technician Registration No. TCH 85304

Respondent.

DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order for Public Reproval is hereby adopted by the Board of Pharmacy, Department of Consumer Affairs, as its Decision in this matter.

This decision shall become effective on June 28, 2012.

It is so ORDERED on May 29, 2012.

BOARD OF PHARMACY DEPARTMENT OF CONSUMER AFFAIRS STATE OF CALIFORNIA

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By

STANLEY C. WEISSER Board President

1	Kamala D. Harris			
2	Attorney General of California LINDA K. SCHNEIDER			
3	Supervising Deputy Attorney General ANTOINETTE B. CINCOTTA			
	Deputy Attorney General			
4	State Bar No. 120482 110 West "A" Street, Suite 1100			
5	San Diego, CA 92101 P.O. Box 85266			
6	San Diego, CA 92186-5266 Telephone: (619) 645-2095			
7	Facsimile: (619) 645-2061 Attorneys for Complainant			
8		RE THE		
9	BOARD OF	PHARMACY		
10		DEPARTMENT OF CONSUMER AFFAIRS STATE OF CALIFORNIA		
11		0		
12	In the Matter of the Accusation Against:	Case No. 3847		
13	ROBERT LOUIS LINSDAY 413 Ford Road, #C Costa Mesa, CA 92627	STIPULATED SETTLEMENT AND DISCIPLINARY ORDER FOR PUBLIC REPROVAL		
14	Pharmacy Technician Registration No. TCH	[Bus. & Prof. Code § 495]		
15	85304	[Dus. & 1101. Couc y 475]		
16	Respondent.			
17	· · · ·			
18	IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-			
19	entitled proceedings that the following matters a	oceedings that the following matters are true:		
20	PAR	PARTIES		
21	1. VIRGINIA HEROLD (Complainant) is the Executive Officer of the Board of			
22	Pharmacy (Board). She brought this action solely in her official capacity and is represented in			
23	this matter by Kamala D. Harris, Attorney Gener	al of the State of California, by Antoinette B.		
-24	Cincotta, Deputy Attorney General.			
25	2. Respondent Robert Louis Linsday (F	Respondent) is representing himself in this		
26	proceeding and has chosen not to exercise his rig	ht to be represented by counsel.		
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}	· · · · · · · · · · · · · · · · · · ·	STIPULATED SETTLEMENT (3847)		

13. On or about June 1, 2009, the Board issued Pharmacy Technician Registration No.2TCH 85304 to Robert Louis Linsday (Respondent). The Pharmacy Technician Registration was3in full force and effect at all times relevant to the charges brought in Accusation No. 3847 and4will expire on December 31, 2012, unless renewed.5JURISDICTION64. Accusation No. 3847 was filed before the Board, and is currently pending against

Respondent. The Accusation and all other statutorily required documents were properly served
on Respondent on December 3, 2010. Respondent timely filed his Notice of Defense contesting
the Accusation. A copy of Accusation No. 3847 is attached as Exhibit A and incorporated herein
by reference.

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ADVISEMENT AND WAIVERS

Respondent has carefully read, and understands the charges and allegations in
 Accusation No. 3847. Respondent has also carefully read, and understands the effects of this
 Stipulated Settlement and Disciplinary Order for Public Reproval.

6. Respondent is fully aware of his legal rights in this matter, including the right to a hearing on the charges and allegations in the Accusation; the right to be represented by counsel at his own expense; the right to confront and cross-examine the witnesses against him; the right to present evidence and to testify on his own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California

21 Administrative Procedure Act and other applicable laws.

Respondent voluntarily, knowingly, and intelligently waives and gives up each and
every right set forth above.

CULPABILITY

 Respondent admits the truth of each and every charge and allegation in Accusation No. 3847.

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STIPULATED SETTLEMENT (3847)

9. Respondent agrees that his Pharmacy Technician Registration is subject to discipline, and he agrees to be bound by the Board's Disciplinary Order below.

<u>CONTINGENCY</u>

10. This stipulation shall be subject to approval by the Board of Pharmacy. Respondent 4 understands and agrees that counsel for Complainant and the staff of the Board of Pharmacy may 5 communicate directly with the Board regarding this stipulation and settlement, without notice to 6 or participation by Respondent. By signing the stipulation, Respondent understands and agrees 7 that he may not withdraw his agreement or seek to rescind the stipulation prior to the time the 8 Board considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and 9 Order, the Stipulated Settlement and Disciplinary Order for Public Reproval shall be of no force 10 or effect, except for this paragraph, it shall be inadmissible in any legal action between the 11 12 parties, and the Board shall not be disqualified from further action by having considered this matter. 13

14 11. The parties understand and agree that facsimile copies of this Stipulated Settlement
15 and Disciplinary Order for Public Reproval, including facsimile signatures thereto, shall have the
16 same force and effect as the originals.

17 12. This Stipulated Settlement and Disciplinary Order for Public Reproval is intended by
18 the parties to be an integrated writing representing the complete, final, and exclusive embodiment
19 of their agreement. It supersedes any and all prior or contemporaneous agreements,

understandings, discussions, negotiations, and commitments (written or oral). This Stipulated
Settlement and Disciplinary Order for Public Reproval may not be altered, amended, modified,
supplemented, or otherwise changed except by a writing executed by an authorized representative
of each of the parties.

13. In consideration of the foregoing admissions and stipulations, the parties agree that
the Board may, without further notice or formal proceeding, issue and enter the following
Disciplinary Order:

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STIPULATED SETTLEMENT (3847)

1	DISCIPLINARY ORDER			
2	IT IS HEREBY ORDERED that Pharmacy Technician Registration No. TCH 85304 issued			
3	to Respondent Robert Louis Linsday shall be publicly reproved by way of letter from the Board's			
4	Executive Officer. The letter shall be in substantially the same form as the letter attached as			
5	Exhibit B to this stipulation.			
6	ACCEPTANCE			
7	I have carefully read the Stipulated Settlement and Disciplinary Order for Public Reproval.			
8	I understand the stipulation and the effect it will have on my Pharmacy Technician Registration.			
9	I enter into this Stipulated Settlement and Disciplinary Order for Public Reproval voluntarily,			
10	knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board of			
11	Pharmacy.			
12	DATED: 3/29/11			
13	ROBERT LOUIS LINSDAY Respondent			
14				
15	ENDORSEMENT			
16	The foregoing Stipulated Settlement and Disciplinary Order for Public Reproval is hereby			
17	respectfully submitted for consideration by the Board of Pharmacy of the Department of			
18	Consumer Affairs.			
19	Dated: 4 28 2011 Respectfully submitted			
20				
21	KAMALA D. HARRIS Attorney General of California			
22	LINDA K. SCHNBIDER Supervising Deputy Attorney General			
23	· AAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAA			
24	ANTOINIZIPE B. CINCOLTA			
25	Deputy Attornoy General Allorneys for Complement			
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i	STIPULATED SETTLEMENT (3847)			

P. 02

FAX NO, 949 515 6070

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Exhibit A

Accusation No. 3847

1	EDMUND G. BROWN JR. Attorney General of California			
2	LINDA K. SCHNEIDER Supervising Deputy Attorney General			
3	ANTOINETTE B. CINCOTTA Deputy Attorney General			
4	State Bar No. 120482 110 West "A" Street, Suite 1100			
5	San Diego, CA 92101 P.O. Box 85266			
6	San Diego, CA 92186-5266 Telephone: (619) 645-2095			
7	Facsimile: (619) 645-2061 Attorneys for Complainant			
8	BEFORE THE			
9	BOARD OF PHARMACY			
10	DEPARTMENT OF CONSUMER AFFAIRS STATE OF CALIFORNIA			
11	In the Matter of the Accusation Against:	Case No. 3847		
12	ROBERT LOUIS LINSDAY	Case 110. 3647		
13	413 Ford Road, #C Costa Mesa, CA 92627	ACCUSATION		
14	Pharmacy Technician Registration No. TCH 85304	ACCUSATION		
15	Respondent.	•		
16	Respondent.			
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, Depart	as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs (Board).		
21	2. On or about June 1, 2009, the Board issued Ph	armacy Technician Registration		
22	Number TCH 85304 to Robert Louis Linsday (Respondent). The Pharmacy Technician			
23	Registration was in full force and effect at all times relevan	nt to the charges brought herein and		
24	will expire on December 31, 2010, unless renewed.			
25	JURISDICTION			
26	3. This Accusation is brought before the Board u	nder the authority of the following		
27	laws. All section references are to the Business and Profes	ssions Code (Code) unless otherwise		
28	indicated.			
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		Accusation		

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4. Section 4300 of the Code states:

"(a) Every license issued may be suspended or revoked. . . ."

5. Section 118 of the Code states:

"(a) The withdrawal of an application for a license after it has been filed with a board in the department shall not, unless the board has consented in writing to such withdrawal, deprive the board of its authority to institute or continue a proceeding against the applicant for the denial of the license upon any ground provided by law or to enter an order denying the license upon any such ground.

9 "(b) The suspension, expiration, or forfeiture by operation of law of a license issued by a 10 board in the department, or its suspension, forfeiture, or cancellation by order of the board or by 11 order of a court of law, or its surrender without the written consent of the board, shall not, during 12 any period in which it may be renewed, restored, reissued, or reinstated, deprive the board of its 13 authority to institute or continue a disciplinary proceeding against the licensee upon any ground 14 provided by law or to enter an order suspending or revoking the license or otherwise taking 15 disciplinary action against the licensee on any such ground.

"(c) As used in this section, 'board' includes an individual who is authorized by any
provision of this code to issue, suspend, or revoke a license, and 'license' includes 'certificate,'
'registration,' and 'permit.'"

STATUTORY AUTHORITIES

6. Section 4059 of the Code states in relevant part:

"(a) A person may not furnish any dangerous drug, except upon the prescription of a
physician, dentist, podiatrist, optometrist, veterinarian, or naturopathic doctor pursuant to Section
3640.7. A person may not furnish any dangerous device, except upon the prescription of a
physician, dentist, podiatrist, optometrist, veterinarian, or naturopathic doctor pursuant to Section
3640.7.

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7. Section 4301 of the Code states:

"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 misrepresentation or issued by mistake. Unprofessional conduct shall include, but is not limited to, any of the following:

- "(h) The administering to oneself, of any controlled substance, or the use of any dangerous drug or of alcoholic beverages to the extent or in a manner as to be dangerous or injurious to oneself, to a person holding a license under this chapter, or to any other person or to the public, or to the extent that the use impairs the ability of the person to conduct with safety to the public the practice authorized by the license.
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"(o) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the
violation of or conspiring to violate any provision or term of this chapter or of the applicable
federal and state laws and regulations governing pharmacy, including regulations established by
the board or by any other state or federal regulatory agency.

COST RECOVERY

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.

DRUG

9. 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 & Professions Code
section 4022.

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FIRST CAUSE FOR DISCIPLINE

(Unprofessional Conduct – Dangerous Use of Drugs and Alcohol)

10. Respondent is subject to disciplinary action for unprofessional conduct under section Code section 4301, subdivision (h), in that Respondent used a controlled substance, cocaine, and alcohol in a manner dangerous to himself and others. The circumstances are as follows:

On or about February 20, 2010, an officer of the Costa Mesa Police Department was 11. 6 on routine patrol when he observed two male subjects walking down the street at about 9:06 p.m. 7 The officer asked the subjects if either was on probation or parole. When one of the male 8 subjects responded that he was on probation, the officer told that subject to go into the parking lot 9 so he could talk to him. The officer then drove his police vehicle into the parking lot, got out of 10 his police vehicle to speak with the subject. The other male subject, later identified as 11 Respondent, followed his friend into the parking lot. As he spoke to the two men, the officer 12 observed Respondent repeatedly tapping his right foot on the ground. Respondent also repeatedly 13 crossed, and then uncrossed his arms in front of his chest. Respondent appeared to the officer to 14 be very agitated and nervous. The officer measured Respondent's pulse at 134 beats per minute. 15 During internal clock and balance testing, Respondent's eyelids were rapidly fluttering and the 16 officer could see his jaw muslces clenching together as if he were grinding his teeth. The officer 17 observed a heavy white coating on top of Respondent's tongue. At about 9:15 p.m. Respondent's 18 pulse measured 144 beats per minute. Respondent told the officer that he had snorted half a gram 19 of cocaine the prior night, and had consumed alcohol that day. 20

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SECOND CAUSE FOR DISCIPLINE

(Unprofessional Conduct – Unlawful Self-Furnishing of Dangerous Drugs)

12. Respondent is subject to disciplinary action for unprofessional conduct under section
Code section 4301, subdivision (o), in that Respondent furnished a dangerous drug, cocaine, to
himself without a prescription in violation of Code section 4059 as set forth in paragraph 11,
which is incorporated here by this reference.

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1	PRAYER			
2	WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged			
3	and that following the hearing, the Board of Pharmacy issue a decision:			
. 4	1. Revoking or suspending Pharmacy Technician Registration Number TCH 85304,			
5	issued to Robert Louis Linsday			
, 6	2. Ordering Robert Louis Linsday to pay the Board of Pharmacy the reasonable costs			
7	the investigation and enforcement of this case, pursuant to Business and Professions Code secti			
8	125.3;			
9	3. Taking such other and further action as deemed necessary and proper.			
10	DATED: 11/29/10 Linginia Head			
11	VIRGINIA HEROLD Executive Officer			
12	Board of Pharmacy Department of Consumer Affairs			
13	State of California Complainant			
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Exhibit B

Letter of Public Reproval in Case No. 3847

Date:

Robert Louis Linsday 413 Ford Road, #C Costa Mesa, CA 92627

Re: LETTER OF PUBLIC REPROVAL In the Matter of the Accusation Against: ROBERT LOUIS LINSDAY Pharmacy Technician Registration No. TCH 85304

Dear Mr. Linsday:

On November 29, 2010, the Board of Pharmacy, Department of Consumer Affairs, State of California, filed an Accusation against your Pharmacy Technician Registration. The Accusation alleges that you engaged in unprofessional conduct under Business and Professions Code section 4301, subdivision (h), for using a controlled substance, cocaine, and alcohol in a manner dangerous to yourself and others. On February 20, 2010, you admitted to a police officer that you snorted half a gram of cocaine the previous night, and consumed alcohol that day.

Taking into consideration that your blood tested negative for cocaine, that you have no prior history of discipline with the Board, and that there are other mitigating circumstances in this case that support the determination that you are safe to practice as a Pharmacy Technician, the Board has decided that the charges warrant a public reproval.

Accordingly, in resolution of this matter under the authority provided under Business and Professions Code section 495, the Board of Pharmacy, Department of Consumer Affairs, issues this letter of public reproval.

Sincerely,

VIRGINIA HEROLD Executive Officer Board of Pharmacy Department of Consumer Affairs