

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

In the Matter of the Accusation Against:

Case No. 3977

**CYNTHIA RENEE CRUM  
6362 Pointe Ct  
Fontana, CA 92336**

**Pharmacy Technician Registration No.  
TCH 44028**

Respondent.

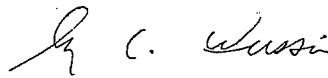
**DECISION AND ORDER**

The attached Stipulated Surrender of License and Order is hereby adopted by the Board of Pharmacy, Department of Consumer Affairs, as its Decision in this matter.

This decision shall become effective on March 16, 2012.

It is so ORDERED on February 15, 2012.

BOARD OF PHARMACY  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA



By

\_\_\_\_\_  
STANLEY C. WEISSER  
Board President

1 KAMALA D. HARRIS  
Attorney General of California  
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8 **BEFORE THE**  
**BOARD OF PHARMACY**  
9 **DEPARTMENT OF CONSUMER AFFAIRS**  
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. 3977

12 **CYNTHIA RENEE CRUM**  
13 **6362 Pointe Ct.**  
14 **Fontana, CA 92336**  
15 **Pharmacy Technician Registration No. TCH**  
16 **44028**

**STIPULATED SURRENDER OF**  
**LICENSE AND ORDER**

Respondent.

17 IT IS HEREBY STIPULATED AND AGREED by and between the parties in this  
18 proceeding that the following matters are true:

19 **PARTIES**

20 1. Virginia Herold (Complainant) is the Executive Officer of the Board of Pharmacy.  
21 She brought this action solely in her official capacity and is represented in this matter by Kamala  
22 D. Harris, Attorney General of the State of California, by William D. Gardner, Deputy Attorney  
23 General.

24 2. Cynthia Renee Crum (Respondent) is representing herself in this proceeding and has  
25 chosen not to exercise her right to be represented by counsel.

26 3. On or about August 21, 2002, the Board of Pharmacy issued Pharmacy Technician  
27 Registration No. TCH 44028 to Cynthia Renee Crum (Respondent). The Pharmacy Technician

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1 Registration was in full force and effect at all times relevant to the charges brought in Accusation  
2 No. 3977 and will expire on February 29, 2012, unless renewed.

3 **JURISDICTION**

4 4. Accusation No. 3977 was filed before the Board of Pharmacy (Board), Department of  
5 Consumer Affairs, and is currently pending against Respondent. The Accusation and all other  
6 statutorily required documents were properly served on Respondent on September 6, 2011.  
7 Respondent timely filed her Notice of Defense contesting the Accusation. A copy of Accusation  
8 No. 3977 is attached as Exhibit A and incorporated by reference.

9 **ADVISEMENT AND WAIVERS**

10 5. Respondent has carefully read, and understands the charges and allegations in  
11 Accusation No. 3977. Respondent also has carefully read, and understands the effects of this  
12 Stipulated Surrender of License and Order.

13 6. Respondent is fully aware of her legal rights in this matter, including the right to a  
14 hearing on the charges and allegations in the Accusation; the right to be represented by counsel, at  
15 her own expense; the right to confront and cross-examine the witnesses against her; the right to  
16 present evidence and to testify on her own behalf; the right to the issuance of subpoenas to  
17 compel the attendance of witnesses and the production of documents; the right to reconsideration  
18 and court review of an adverse decision; and all other rights accorded by the California  
19 Administrative Procedure Act and other applicable laws.

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

22 **CULPABILITY**

23 8. Respondent admits the truth of each and every charge and allegation in Accusation  
24 No. 3977, agrees that cause exists for discipline and hereby surrenders her Pharmacy Technician  
25 Registration No. TCH 44028 for the Board's formal acceptance.

26 9. Respondent understands that by signing this stipulation she enables the Board to issue  
27 an order accepting the surrender of her Pharmacy Technician Registration without further  
28 process.

**CONTINGENCY**

10. This stipulation shall be subject to approval by the Board of Pharmacy. Respondent understands and agrees that counsel for Complainant and the staff of the Board of Pharmacy may communicate directly with the Board regarding this stipulation and surrender, without notice to or participation by Respondent. By signing the stipulation, Respondent understands and agrees that she may not withdraw her agreement or seek to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order, the Stipulated Surrender and Disciplinary Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not be disqualified from further action by having considered this matter.

11. The parties understand and agree that facsimile copies of this Stipulated Surrender of License and Order, including facsimile signatures thereto, shall have the same force and effect as the originals.

12. This Stipulated Surrender of License and Order is intended by the parties to be an integrated writing representing the complete, final, and exclusive embodiment of their agreement. It supersedes any and all prior or contemporaneous agreements, understandings, discussions, negotiations, and commitments (written or oral). This Stipulated Surrender of License and Order 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 Order:

**ORDER**

IT IS HEREBY ORDERED that Pharmacy Technician Registration No. TCH 44028, issued to Respondent Cynthia Renee Crum, is surrendered and accepted by the Board of Pharmacy.

1. The surrender of Respondent's Pharmacy Technician Registration and the acceptance of the surrendered license by the Board shall constitute the imposition of discipline against Respondent. This stipulation constitutes a record of the discipline and shall become a part of Respondent's license history with the Board of Pharmacy.

1           2.     Respondent shall lose all rights and privileges as a registered pharmacy technician in  
2 California as of the effective date of the Board's Decision and Order.

3           3.     Respondent shall cause to be delivered to the Board her pocket license and, if one was  
4 issued, her wall certificate within ten (10) days of the effective date of the Decision and Order.

5           4.     Respondent understands and agrees that if she ever files an application for licensure  
6 or a petition for reinstatement in the State of California, the Board shall treat it as a new  
7 application for licensure.

8           5.     Respondent may not apply for any license, permit, or registration from the Board for  
9 three (3) years from the effective date of this decision. Respondent stipulates that should she  
10 apply for any license from the Board on or after the effective date of this decision, all allegations  
11 set forth in the accusation shall be deemed to be true, correct and admitted by respondent when  
12 the Board determines whether to grant or deny the application. Respondent shall satisfy all  
13 requirements applicable to that license as of the date the application is submitted to the Board,  
14 including, but not limited to certification by a nationally recognized body prior to the issuance of  
15 a new license. Respondent is required to report this surrender as disciplinary action.

16          6.     Respondent stipulates that should she apply for any license from the Board on or after  
17 the effective date of this decision, investigation and prosecution costs in the amount of \$1,512.50  
18 shall be paid to the Board prior to issuance of the license.

19          7.     If Respondent should ever apply or reapply for a new license or certification, or  
20 petition for reinstatement of a license, by any other health care licensing agency in the State of  
21 California, all of the charges and allegations contained in Accusation, No. 3977 shall be deemed  
22 to be true, correct, and admitted by Respondent for the purpose of any Statement of Issues or any  
23 other proceeding seeking to deny or restrict licensure.

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**ACCEPTANCE**

I have carefully read the Stipulated Surrender of License and Order. I understand the stipulation and the effect it will have on my Pharmacy Technician Registration. I enter into this Stipulated Surrender of License and Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board of Pharmacy.

DATED: 10-01-11 Cynthia R. Crum  
CYNTHIA RENEE CRUM  
Respondent

**ENDORSEMENT**

The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted for consideration by the Board of Pharmacy of the Department of Consumer Affairs.

Dated: September 22 2011

Respectfully submitted,  
KAMALA D. HARRIS  
Attorney General of California  
KAREN B. CHAPPELLE  
Supervising Deputy Attorney General

William D. Gardner  
WILLIAM D. GARDNER  
Deputy Attorney General  
*Attorneys for Complainant*

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**Exhibit A**

**Accusation No. 3977**

1 KAMALA D. HARRIS  
Attorney General of California  
2 MARC D. GREENBAUM  
Supervising Deputy Attorney General  
3 MARC D. GREENBAUM  
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4 State Bar No. 138213  
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*Attorneys for Complainant*  
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8 **BEFORE THE**  
9 **BOARD OF PHARMACY**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
11 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:  
12 **CYNTHIA RENEE CRUM**  
6362 Pointe Ct.  
13 Fontana, CA 92336  
14 Pharmacy Technician Registration No. TCH 44028  
15 Respondent..

Case No. 3977

**ACCUSATION**

16  
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 (Board).  
21 2. On or about August 21, 2002, the Board issued Pharmacy Technician Registration  
22 No. TCH 44028 to Cynthia Renee Crum (Respondent). The Pharmacy Technician Registration  
23 was in full force and effect at all times relevant to the charges brought herein and will expire on  
24 February 29, 2012, unless renewed.

25 **JURISDICTION**

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

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**STATUTORY PROVISIONS**

4. Section 118, subdivision (b), provides that the suspension, expiration, surrender or cancellation of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued or reinstated.

5. Section 4300, subdivision (a), states that “[e]very license issued may be suspended or revoked.”

6. Section 4301 states, in pertinent part:

“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.

.....

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

.....

"(l) The conviction of a crime substantially related to the qualifications, functions, and duties of a licensee under this chapter. . . .”

**REGULATORY PROVISION**

7. California Code of Regulations, title 16, 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

1 licensee or registrant if to a substantial degree it evidences present or potential unfitness of a  
2 licensee or registrant to perform the functions authorized by his license or registration in a manner  
3 consistent with the public health, safety, or welfare."

4 **COST RECOVERY**

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

9 **DRUG STATUTES**

10 9. Methamphetamine is a Schedule II controlled substance as designated by Health and  
11 Safety Code section 11055, subdivision (d)(2), and is categorized as a dangerous drug pursuant to  
12 section 4022.

13 10. Health and Safety code section 11364, subdivision (a), states:

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

20 **FIRST CAUSE FOR DISCIPLINE**

21 **(Convictions of Substantially Related Crimes)**

22 11. Respondent is subject to disciplinary action under sections 490 and 4300, 4301,  
23 subdivision (l), in conjunction with California Code of Regulations, title 16, section 1770, in that  
24 Respondent was convicted of crimes substantially related to the qualifications, functions or duties  
25 of a licensee or registrant which to a substantial degree evidence her present or potential unfitness  
26 to perform the functions authorized by her license or registration in a manner consistent with the  
27 public health, safety, or welfare, as follows:

28 ///

1 a. On or about June 5, 2009, after pleading nolo contendere, Respondent was convicted  
2 of one misdemeanor count of violating Health and Safety Code section 11364(a) [possess  
3 controlled substance instrument/paraphernalia] in the criminal proceeding entitled *The People of*  
4 *the State of California v. Cynthia Renee Crum* (Super. Ct. San Bernardino County, 2009, No.  
5 MV900345). The Court placed Respondent on 24 months probation.

6 b. The circumstances underlying the conviction are that on or about January 2, 2009, officers  
7 of the San Bernardino County Sheriff's Department conducted a search of Respondent's  
8 residence while executing a parole search related to a parolee who was living at Respondent's  
9 residence. At that time, the officers found a glass methamphetamine smoking pipe in  
10 Respondent's master bathroom medicine cabinet. After being read her Miranda rights,  
11 Respondent admitted to the officers that the pipe was hers and stated that she had been using  
12 methamphetamine on and off for several years.

13 c. On or about December 19, 2005, after pleading guilty, Respondent was convicted of  
14 one misdemeanor count of violating Penal Code section 148(a)(1) [obstruct/resist public officer]  
15 in the criminal proceeding entitled *The People of the State of California v. Cynthia Renee Crum*  
16 (Super. Ct. San Bernardino County, 2005, No. MWV101456). The Court placed Respondent on  
17 24 months probation.

18 d. The circumstances underlying the conviction are that on or about September 24,  
19 2005, Respondent was arrested for obstructing a police officer/resisting arrest during an incident  
20 in which an acquaintance of Respondent's was being arrested for violation of Health and Safety  
21 code section 11550(a) [under influence of controlled substance].

22 **SECOND CAUSE FOR DISCIPLINE**

23 **(Unprofessional Conduct: Violate Drug Statutes)**

24 12. Respondent is subject to disciplinary action under sections 4300 and 4301,  
25 subdivision (j), on the grounds that Respondent violated state laws regulating controlled  
26 substances and dangerous drugs. Complainant refers to and by this reference incorporates the  
27 allegations set forth above in paragraph 11, subparagraphs a – d, inclusive, as though set forth  
28 fully.

1 THIRD CAUSE FOR DISCIPLINE

2 (Unprofessional Conduct: Dangerous Use of Controlled Substances)

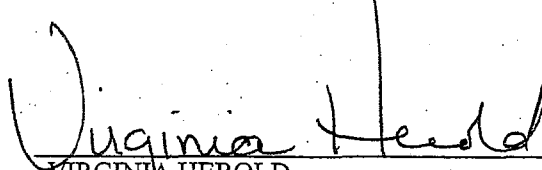
3 13. Respondent is subject to disciplinary action under sections 4300 and 4301,  
4 subdivision (h), in that Respondent administered to herself controlled substances, and / or used  
5 dangerous drugs to the extent or in a manner which is dangerous or injurious to herself or others.  
6 Complainant refers to and by this reference incorporates the allegations set forth above in  
7 paragraph 11, subparagraphs a – d, inclusive, as though set forth fully.

8 PRAYER

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

- 11 1. Revoking or suspending Pharmacy Technician Registration No. TCH 44028, issued  
12 to Cynthia Renee Crum:
- 13 2. Ordering Cynthia Renee Crum to pay the Board the reasonable costs of the  
14 investigation and enforcement of this case, pursuant to section 125.3; and
- 15 3. Taking such other and further action as deemed necessary and proper.

16  
17  
18 DATED: 8/22/11

19   
VIRGINIA HEROLD

20 Executive Officer  
21 Board of Pharmacy  
22 Department of Consumer Affairs  
23 State of California  
24 Complainant

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1 KAMALA D. HARRIS  
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13  
14 Respondent.

Case No. 3977

**REQUEST FOR DISCOVERY**

15 **TO RESPONDENT:**

16 Under section 11507.6 of the Government Code of the State of California, parties to an  
17 administrative hearing, including the Complainant, are entitled to certain information concerning  
18 the opposing party's case. A copy of the provisions of section 11507.6 of the Government Code  
19 concerning such rights is included among the papers served.

20 PURSUANT TO SECTION 11507.6 OF THE GOVERNMENT CODE, YOU ARE  
21 HEREBY REQUESTED TO:

- 22 1. Provide the names and addresses of witnesses to the extent known to the Respondent,  
23 including, but not limited to, those intended to be called to testify at the hearing, and
- 24 2. Provide an opportunity for the Complainant to inspect and make a copy of any of the  
25 following in the possession or custody or under control of the Respondent:
  - 26 a. A statement of a person, other than the Respondent, named in the initial  
27 administrative pleading, or in any additional pleading, when it is claimed that the act or  
28 omission of the Respondent as to this person is the basis for the administrative proceeding;

1                   b.     A statement pertaining to the subject matter of the proceeding made by  
2 any party to another party or persons;

3                   c.     Statements of witnesses then proposed to be called by the Respondent and  
4 of other persons having personal knowledge of the acts, omissions or events which are the  
5 basis for the proceeding, not included in (a) or (b) above;

6                   d.     All writings, including but not limited to reports of mental, physical and  
7 blood examinations and things which the Respondent now proposes to offer in evidence;

8                   e.     Any other writing or thing which is relevant and which would be  
9 admissible in evidence, including but not limited to, any patient or hospital records  
10 pertaining to the persons named in the pleading;

11                  f.     Investigative reports made by or on behalf of the Respondent pertaining  
12 to the subject matter of the proceeding, to the extent that these reports (1) contain the names  
13 and addresses of witnesses or of persons having personal knowledge of the acts, omissions  
14 or events which are the basis for the proceeding, or (2) reflect matters perceived by the  
15 investigator in the course of his or her investigation, or (3) contain or include by attachment  
16 any statement or writing described in (a) to (e), inclusive, or summary thereof.

17  
18                  For the purpose of this Request for Discovery, "statements" include written statements by  
19 the person, signed, or otherwise authenticated by him or her, stenographic, mechanical, electrical  
20 or other recordings, or transcripts thereof, of oral statements by the person, and written reports or  
21 summaries of these oral statements.

22                  YOU ARE HEREBY FURTHER NOTIFIED that nothing in this Request for Discovery  
23 should be deemed to authorize the inspection or copying of any writing or thing which is  
24 privileged from disclosure by law or otherwise made confidential or protected as attorney's work  
25 product.

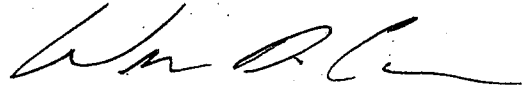
26                  Your response to this Request for Discovery should be directed to the undersigned attorney  
27 for the Complainant at the address on the first page of this Request for Discovery within 30 days  
28 after service of the Accusation.

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Failure without substantial justification to comply with this Request for Discovery may subject the Respondent to sanctions pursuant to sections 11507.7 and 11455.10 to 11455.30 of the Government Code.

Dated: September 6, 2011

KAMALA D. HARRIS  
Attorney General of California  
KAREN B. CHAPPELLE  
Supervising Deputy Attorney General



WILLIAM D. GARDNER  
Deputy Attorney General  
*Attorneys for Complainant*

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