

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

In the Matter of the Accusation Against:

Case No. 4268

CORY STEVEN MAYFIELD

884 North M Street
Tulare, CA 93274

Pharmacy Technician Registration No.
TCH 96374

Respondent.

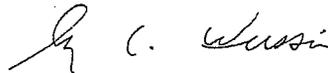
DECISION AND ORDER

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 December 17, 2013.

It is so ORDERED on December 13, 2013.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA



By

STAN C. WEISSER
Board President

1 KAMALA D. HARRIS
Attorney General of California.
2 KENT D. HARRIS
Supervising Deputy Attorney General
3 STERLING A. SMITH
Deputy Attorney General
4 State Bar No. 84287
1300 I Street, Suite 125
5 P.O. Box 944255
Sacramento, CA 94244-2550
6 Telephone: (916) 445-0378
Facsimile: (916) 327-8643
7 *Attorneys for Complainant*

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BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. 4268

12 **CORY STEVEN MAYFIELD**
884 North M Street
13 Tulare, CA 93274
Pharmacy Technician Registration No. TCH
14 96374

OAH No. 2013030891

**STIPULATED SURRENDER OF
LICENSE AND ORDER**

15 Respondent.

16
17
18 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-
19 entitled proceedings that the following matters are true:

20 PARTIES

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

25 2. Cory Steven Mayfield (Respondent) is representing himself in this proceeding and
26 has chosen not to exercise his right to be represented by counsel.
27
28

ORDER

IT IS HEREBY ORDERED that Pharmacy Technician Registration No. TCH 96374, issued to Respondent Cory Steven Mayfield, 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.

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

3. Respondent shall cause to be delivered to the Board his wall certificate and, if one was issued, his pocket license on or before the effective date of the Decision and Order.

4. If Respondent ever files an application for licensure or a petition for reinstatement in the State of California, the Board shall treat it as an application for a new license. Respondent must comply with all the laws, regulations and procedures for reinstatement of a revoked license in effect at the time the petition is filed, and all of the charges and allegations contained in Accusation No. 4268 shall be deemed to be true, correct and admitted by Respondent when the Board determines whether to grant or deny the petition.

5. If and when Respondent applies for reinstatement or a new license, then he shall pay the Board its costs of investigation and enforcement in the amount of \$10,285.00 before issuance of a new or reinstated license.

6. If Respondent should ever apply or reapply for a new license or certification, or petition for reinstatement of a license, by any other health care licensing agency in the State of California, all of the charges and allegations contained in Amended Accusation No. 4268 shall be deemed to be true, correct, and admitted by Respondent for the purpose of any Statement of Issues or any other proceeding seeking to deny or restrict licensure.

7. Respondent shall not apply for licensure or petition for reinstatement for three (3) years from the effective date of the State Board of Pharmacy's Decision and Order.

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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: 10/25/13 Cory Mayfield
CORY STEVEN MAYFIELD
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: 10/25/13 Respectfully submitted,
KAMALA D. HARRIS
Attorney General of California
KENT D. HARRIS
Supervising Deputy Attorney General
Sterling A. Smith
STERLING A. SMITH
Deputy Attorney General
Attorneys for Complainant

Exhibit A

Amended Accusation No. 4268

1 KAMALA D. HARRIS
Attorney General of California
2 ARTHUR D. TAGGART
Supervising Deputy Attorney General
3 STERLING A. SMITH
Deputy Attorney General
4 State Bar No. 84287
1300 I Street, Suite 125
5 P.O. Box 944255
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10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

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12 **CORY STEVEN MAYFIELD**
13 884 North M Street
Tulare, CA 93274

OAH Case No. 2013030891

14 Pharmacy Technician Registration No. TCH 96374

AMENDED ACCUSATION

15 Respondent.

16
17 Complainant alleges:

18 PARTIES

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

21 2. On or about April 30, 2010, the Board of Pharmacy issued Pharmacy Technician
22 Registration No. TCH 96374 to Cory Steven Mayfield (Respondent). The Pharmacy Technician
23 Registration was in full force and effect at all times relevant to the charges brought herein and
24 will expire on July 31, 2015, 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 unless otherwise indicated.

1 4. Section 4300 of the Code states:

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

3 "(b) The board shall discipline the holder of any license issued by the board,
4 whose default has been entered or whose case has been heard by the board and found guilty, by
5 any of the following methods:

6 " (1) Suspending judgment.

7 " (2) Placing him or her upon probation.

8 " (3) Suspending his or her right to practice for a period not exceeding one year.

9 " (4) Revoking his or her license.

10 " (5) Taking any other action in relation to disciplining him or her as the board
11 in its discretion may deem proper.

12 " (c) The board may refuse a license to any applicant guilty of unprofessional
13 conduct. The board may, in its sole discretion, issue a probationary license to any applicant for a
14 license who is guilty of unprofessional conduct and who has met all other requirements for
15 licensure. The board may issue the license subject to any terms or conditions not contrary to
16 public policy, including, but not limited to, the following:

17 " (1) Medical or psychiatric evaluation.

18 " (2) Continuing medical or psychiatric treatment.

19 " (3) Restriction of type or circumstances of practice.

20 " (4) Continuing participation in a board-approved rehabilitation program.

21 " (5) Abstention from the use of alcohol or drugs.

22 " (6) Random fluid testing for alcohol or drugs.

23 " (7) Compliance with laws and regulations governing the practice of pharmacy.

24 " (d) The board may initiate disciplinary proceedings to revoke or suspend any
25 probationary certificate of licensure for any violation of the terms and conditions of probation.
26 Upon satisfactory completion of probation, the board shall convert the probationary certificate to
27 a regular certificate, free of conditions.

28

1 "(e) The proceedings under this article shall be conducted in accordance with
2 Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of the Government Code,
3 and the board shall have all the powers granted therein. The action shall be final, except that the
4 propriety of the action is subject to review by the superior court pursuant to Section 1094.5 of the
5 Code of Civil Procedure."

6 5. Section 4301 of the Code states, in pertinent part:

7 "The board shall take action against any holder of a license who is guilty of unprofessional
8 conduct or whose license has been procured by fraud or misrepresentation or issued by mistake.
9 Unprofessional conduct shall include, but is not limited to, any of the following:

10 ...
11 "(f) The commission of any act involving moral turpitude, dishonesty, fraud,
12 deceit, or corruption, whether the act is committed in the course of relations as a licensee or
13 otherwise, and whether the act is a felony or misdemeanor or not.

14 ...
15 "(g) The conviction of a crime substantially related to the qualifications,
16 functions, and duties of a licensee under this chapter. The record of conviction of a violation of
17 Chapter 13 (commencing with Section 801) of Title 21 of the United States Code regulating
18 controlled substances or of a violation of the statutes of this state regulating controlled substances
19 or dangerous drugs shall be conclusive evidence of unprofessional conduct. In all other cases, the
20 record of conviction shall be conclusive evidence only of the fact that the conviction occurred.
21 The board may inquire into the circumstances surrounding the commission of the crime, in order
22 to fix the degree of discipline or, in the case of a conviction not involving controlled substances
23 or dangerous drugs, to determine if the conviction is of an offense substantially related to the
24 qualifications, functions, and duties of a licensee under this chapter. A plea or verdict of guilty or
25 a conviction following a plea of nolo contendere is deemed to be a conviction within the meaning
26 of this provision. The board may take action when the time for appeal has elapsed, or the
27 judgment of conviction has been affirmed on appeal or when an order granting probation is made
28 suspending the imposition of sentence, irrespective of a subsequent order under Section 1203.4 of

1 the Penal Code allowing the person to withdraw his or her plea of guilty and to enter a plea of not
2 guilty, or setting aside the verdict of guilty, or dismissing the accusation, information, or
3 indictment.

4 ...
5 "(p) Actions or conduct that would have warranted denial of a license.

6 ..."
7 6. Section 480 of the Code states, in pertinent part:

8 (a) A board may deny a license regulated by this code on the grounds that the
9 applicant has one of the following:

10 (1) Been convicted of a crime. A conviction within the meaning of this section
11 means a plea or verdict of guilty or a conviction following a plea of nolo contendere. Any action
12 which a board is permitted to take following the establishment of a conviction may be taken when
13 the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal, or
14 when an order granting probation is made suspending the imposition of sentence, irrespective of a
15 subsequent order under the provisions of Section 1203.4 of the Penal Code.

16 (2) done any act involving dishonesty, fraud or deceit with the intent to benefit
17 himself or another, or substantially injure another;

18 ..."
19 7. California Code of Regulations, title 16, section 1770, states:

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

26 8. Section 125.3 of the Code states, in pertinent part, that the Board may request the
27 administrative law judge to direct a licentiate found to have committed a violation or violations of
28

1 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
2 enforcement of the case.

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

7 FIRST CAUSE FOR DISCIPLINE

8 (Unprofessional Conduct: Felony Convictions)

9 10. Respondent is subject to disciplinary action under sections 480(a)(1), 4301(l) and
10 4301(p) for unprofessional conduct substantially related to the qualifications, functions and duties
11 of a licensee. On or about August 10, 2011, in the criminal proceeding entitled *People v. Cory*
12 *Steven Mayfield*, Tulare County Superior Court Case No. VCF243340, Respondent was convicted
13 after his plea of no contest to violation of Penal Code section 646.9(a) (stalking), a felony, and to
14 violation of Penal code section 594(A) (vandalism), a felony. The circumstances are that on
15 various occasions between on or about July 2010, and September 20, 2010, Respondent willfully,
16 maliciously and repeatedly followed, and willfully and maliciously harassed M.P., and made a
17 criminal threat against her with the intent that she be placed in reasonable fear for her safety.
18 Respondent's acts included, but were not limited to following M.P., accosted her while she was
19 operating her car, and waiting at or near locations where M.P. was also physically present.
20 Incidents of the aforesaid stalking activities and other wrongful conduct also included, but were
21 not limited to: on or about September 17, 2010, September 19, 2010, and September 20, 2010,
22 Respondent used physical force upon M.P.'s person or property in Respondent's attempts to
23 compel M.P. to talk with Respondent. On or about September 17, 2010, after M.P. rejected
24 Respondent's attempt to talk with her, Respondent deliberately caused damage to M.P.'s car by
25 "keying" its passenger side door. On or about September 20, 2010, Respondent was discovered
26 by M.P. inside her residence, hiding between her bed and the wall.

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SECOND CAUSE FOR DISCIPLINE

(Unprofessional Conduct)

11. Respondent is subject to disciplinary action under sections 480(a)(2), 4301(f) and 4301(p) in that Respondent committed the acts alleged in Paragraph 10 (among others) against M.P. and her property involving moral turpitude, dishonesty, fraud, deceit or corruption, or dishonesty, fraud or deceit with the intent to benefit himself or another, or substantially injure another.

OTHER CONSIDERATIONS

12. On or about September 11, 2007, Respondent was convicted by his plea of no contest to two felony counts for violation of Penal Code section 646.9(A) (stalking), and one misdemeanor count of violation of Penal Code section 240 (assault) in the case entitled *People v. Cory Steven Mayfield*, Tulare County Superior Court Case No. VCM189738. In October 2009, all of said convictions were dismissed under Penal Code sections 1203.4 and 17b. Respondent's conviction is substantially related to the qualifications, functions and duties of a licensee

The circumstances were that Respondent had a relationship with A.M., a married woman. Between July 1, 2007, and August 27, 2007, when he knew that A.M. did not wish to be his friend or that he telephone her any more. Respondent attempted to meet with A.M. and talk with her by repeatedly waiting for her outside her place of employment and at other locations, repeatedly driving by her residence, following her in his truck when she was driving, and by making multiple and annoying telephone calls to her, and for her by phone calls to A.M.'s friend C.J., including approximately 38 calls to C.J. on or about August 26, 2007. In July 2007, Respondent informed J.M., A.M.'s spouse, that Respondent was going to kill him and do whatever it took to get rid of him.

PRAYER

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

1 1. Revoking or suspending Pharmacy Technician Registration No. TCH 96374, issued
2 to Respondent Cory Steven Mayfield;

3 2. Ordering Respondent Cory Steven Mayfield to pay the Board of Pharmacy the
4 reasonable costs of the investigation and enforcement of this case, pursuant to Business and
5 Professions Code section 125.3;

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

7
8 DATED: 10/17/2013

Virginia Herold
~~VIRGINIA HEROLD~~

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

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