

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

In the Matter of the Accusation Against:

GARRETT MICHAEL NOBLETT
17461 El Camino Road
Madera, CA 93636

Pharmacy Technician Registration No.
TCH 98001

Respondent.

Case No. 4590

OAH No. 2013110516

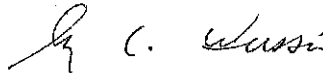
DECISION AND ORDER

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 November 5, 2014.

It is so ORDERED on October 31, 2014.

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

11 In the Matter of the Accusation Against:
12
13 **GARRETT MICHAEL NOBLETT**
17461 El Camino Road
Madera, CA 93636
14
15 **Pharmacy Technician Registration No. TCH**
98001
16
17 Respondent.

Case No. 4590

OAH No. 2013110516

**STIPULATED SURRENDER OF
LICENSE AND ORDER**

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

21 PARTIES

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

26 2. Garrett Michael Noblett (Respondent) is representing himself in this proceeding and
27 has chosen not to exercise his right to be represented by counsel.

28 ///

1 3. On or about January 7, 2010, the Board of Pharmacy issued Pharmacy Technician
2 Registration No. TCH 98001 to Garrett Michael Noblett (Respondent). The registration expired
3 September 30, 2013, and was cancelled by the Board.

4 JURISDICTION

5 4. Accusation No. 4590 was filed before the Board, and is currently pending against
6 Respondent. The Accusation and all other statutorily required documents were properly served
7 on Respondent on September 16, 2013. Respondent timely filed his Notice of Defense contesting
8 the Accusation. A copy of Accusation No. 4590 is attached as Exhibit A and incorporated by
9 reference.

10 ADVISEMENT AND WAIVERS

11 5. Respondent has carefully read, and understands the charges and allegations in
12 Accusation No. 4590. Respondent also has carefully read, and understands the effects of this
13 Stipulated Surrender of License and Order.

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

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

23 CULPABILITY

24 8. Respondent admits the truth of each and every charge and allegation in Accusation
25 No. 4590, agrees that cause exists for discipline and hereby surrenders his Pharmacy Technician
26 Registration No. TCH 98001 for the Board's formal acceptance.

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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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 he may not withdraw his 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 Portable Document Format (PDF) and facsimile copies of this Stipulated Surrender of License and Order, including Portable Document Format (PDF) and 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 98001 issued to Respondent Garrett Michael Noblett 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 pharmacy technician in California
2 as of the effective date of the Board's Decision and Order.

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

5 4. Respondent understands and agrees that if he ever files an application for licensure or
6 a petition for reinstatement in the State of California, the board shall treat it as a new application
7 for licensure. Respondent may not apply for any license, permit, or registration from the board
8 for three years from the effective date of this decision. Respondent stipulates that should he apply
9 for any license from the board on or after the effective date of this decision, all allegations set
10 forth in the Accusation shall be deemed to be true, correct and admitted by respondent when the
11 board determines whether to grant or deny the application. Respondent shall satisfy all
12 requirements applicable to that license as of the date the application is submitted to the board,
13 prior to the issuance of a new license. Respondent is required to report this surrender as
14 disciplinary action.

15 5. Respondent shall pay the agency its costs of investigation and enforcement in the
16 amount of \$3,375.00 prior to issuance of a new or reinstated license.

17 6. If Respondent should ever apply or reapply for a new license or certification, or
18 petition for reinstatement of a license, by any other health care licensing agency in the State of
19 California, all of the charges and allegations contained in Accusation No. 4590 shall be deemed to
20 be true, correct, and admitted by Respondent for the purpose of any Statement of Issues or any
21 other proceeding seeking to deny or restrict licensure.

22 ACCEPTANCE

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

27 DATED: 9-22-2014

Garrett M. Noblett
28 GARRETT MICHAEL NOBLETT
Respondent

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

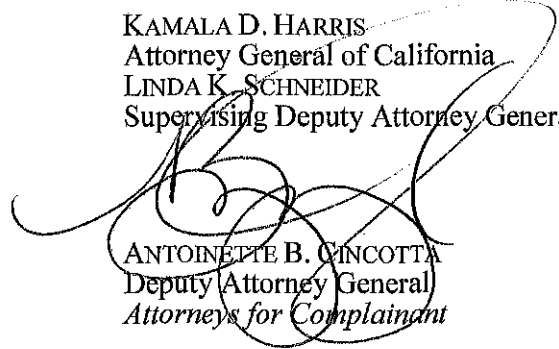
ENDORSEMENT

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: 9/25/2014

Respectfully submitted,

KAMALA D. HARRIS
Attorney General of California
LINDA K. SCHNEIDER
Supervising Deputy Attorney General



ANTOINETTE B. CINCOTTA
Deputy Attorney General
Attorneys for Complainant

SD2013705044
70946785.docx

Exhibit A

Accusation No. 4590

1 KAMALA D. HARRIS
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
9 **BEFORE THE**
BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. 4590

12 **GARRETT MICHAEL NOBLETT**
13 17461 El Camino Road
Madera, CA 93636

FIRST AMENDED
ACCUSATION

14 **Pharmacy Technician Registration No. TCH 98001**

15 Respondent.
16

17 Complainant alleges:

18 **PARTIES**

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

22 2. On or about January 7, 2010, the Board issued Pharmacy Technician Registration
23 No. TCH 98001 to Garrett Michael Noblett (Respondent). The registration will remain in effect
24 until September 30, 2013, unless renewed.

25 **JURISDICTION**

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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

4. Section 4300 of the Code states:

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

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

(1) Suspending judgment.

(2) Placing him or her upon probation.

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

(4) Revoking his or her license.

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

....

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

5. Section 4300.1 of the Code states:

The expiration, cancellation, forfeiture, or suspension of a board-issued license by operation of law or by order or decision of the board or a court of law, the placement of a license on a retired status, or the voluntary surrender of a license by a licensee shall not deprive the board of jurisdiction to commence or proceed with any investigation of, or action or disciplinary proceeding against, the licensee or to render a decision suspending or revoking the license.

STATUTORY AUTHORITIES

6. Section 4022 of the Code states:

Dangerous drug" or "dangerous device" means any drug or device unsafe for self-use in humans or animals, and includes the following:

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

(b) Any device that bears the statement: "Caution: federal law restricts this device to sale by or on the order of a _____," "Rx only," or words of similar import, the blank to be filled in with the designation of the practitioner licensed to use or order use of the device.

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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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:

...

(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.

....

8. Section 4060 of the Code states:

No person shall possess any controlled substance, except that furnished to a person upon the prescription of a physician, dentist, podiatrist, optometrist, veterinarian, or naturopathic doctor pursuant to Section 3640.7, or furnished pursuant to a drug order issued by a certified nurse-midwife pursuant to Section 2746.51, a nurse practitioner pursuant to Section 2836.1, or a physician assistant pursuant to Section 3502.1, or naturopathic doctor pursuant to Section 3640.5, or a pharmacist pursuant to either subparagraph (D) of paragraph (4) of, or clause (iv) of subparagraph (A) of paragraph (5) of, subdivision (a) of Section 4052. This section shall not apply to the possession of any controlled substance by a manufacturer, wholesaler, pharmacy, pharmacist, physician, podiatrist, dentist, optometrist, veterinarian, naturopathic doctor, certified nurse-midwife, nurse practitioner, or physician assistant, when in stock in containers correctly labeled with the name and address of the supplier or producer.

Nothing in this section authorizes a certified nurse-midwife, a nurse practitioner, a physician assistant, or a naturopathic doctor, to order his or her own stock of dangerous drugs and devices.

9. Health and Safety Code section 11377 states in relevant part:

(a) Except as authorized by law and as otherwise provided in subdivision (b) or Section 11375, or in Article 7 (commencing with Section 4211) of Chapter 9 of Division 2 of the Business and Professions Code, every person who possesses any controlled substance which is (1) classified in Schedule III, IV, or V, and which is not a narcotic drug, (2) specified in subdivision (d) of Section 11054, except paragraphs (13), (14), (15), and (20) of subdivision (d), (3) specified in paragraph (11) of subdivision (c) of Section 11056, (4) specified in paragraph (2) or (3) of subdivision (f) of Section 11054, or (5) specified in subdivision (d), (e), or (f) of Section 11055, unless upon the prescription of a physician, dentist, podiatrist, or veterinarian, licensed to practice in this state, shall be punished by imprisonment in a county jail for a period of not more than one year or pursuant to subdivision (h) of Section 1170 of the Penal Code.

....

///
///

1 **REGULATIONS**

2 10. California Code of Regulations, title 16, section 1770, states:

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

7 **COSTS**

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

12 **DRUGS**

13 12. Methamphetamine is a Schedule II controlled substance pursuant to Health and
14 Safety Code section 11055, subdivision (d).

15 13. 5-MeO-MiPT, also known as 5-methoxy-N-methyl-N-isopropyltryptamine and "Bath
16 Salts," is a dangerous drug pursuant to Business and Professions Code section 4022. It is a
17 psychedelic and hallucinogenic drug.

18 14. Lysergic acid diethylamide, also known as LSD, is a Schedule I controlled
19 substance pursuant to Health and Safety Code section 11054, subdivision (d).

20 **CAUSE FOR DISCIPLINE**

21 **(Unprofessional Conduct - Illegal Possession of Controlled**

22 **Substances: Methamphetamine, 5-MeO-MiPT, and LSD)**

23 15. Respondent is subject to disciplinary action for unprofessional conduct under sections
24 4301, subdivision (j) for the unlawful possession of controlled substances, methamphetamine, 5-
25 MEO-MIPT, and LSD, acts substantially related to the qualifications, functions, and duties of a
26 pharmacy technician in violation of sections 11377 and 4060. The circumstances are as follows:

27 ///

1 16. On or about January 27, 2014, in the matter captioned *The People of the State of*
2 *California vs. Garrett Michael Noblett*, Orange Country Superior Court case no. UCI 12-001256,
3 Respondent pled of guilty to two felonies: (1) a violation of Health and Safety Code section
4 11377, subdivision (a), illegal possession of a controlled substance, 5-MeO-MiPT, a felony; and
5 (2) a violation of Health and Safety code section 11377, subdivision (a), illegal possession of a
6 controlled substance, methamphetamine, a felony. As part of the plea bargain, the remaining
7 three counts were dismissed: (1) violation of Health and Safety Code section 11357, subdivision
8 (a), illegal possession of concentrated cannabis, a felony; (2) violation of Health and Safety Code
9 section 11378, possession for sale of a controlled substance, methamphetamine, a felony; and (3)
10 violation of Health and Safety code section 11377, subdivision (a), possession of a controlled
11 substance, methamphetamine, a felony.

12 17. The circumstances underlying Respondent's plea were as follows: On or about
13 October 31, 2012, officers from the University of California Irvine (UCI) Police Department
14 interviewed Respondent as part of an investigation concerning allegations that Respondent
15 provided another UCI student with substances which caused him to act crazy and hurt himself
16 requiring hospitalization. While at the hospital, the UCI student's blood tested consistent with
17 Bath Salts and methamphetamine. Upon arrival at Respondent's apartment, the officers saw an
18 orange prescription bottle with several different types of pills inside it in the back seat of
19 Respondent's vehicle, and visible through the back passenger window. Respondent confirmed
20 that he owned the vehicle, and authorized the officers to search it. The officers found 100 dosage
21 units of LSD, 6.4 grams of concentrated hashish, and 419 Adderall tablets inside an orange
22 Walgreens prescription bottle in Respondent's vehicle. Respondent admitted to the officers that
23 the drugs were his. The officers also found two prescription bottles containing Lidocaine and
24 Lorazepam prescribed to another family member, and a prescription bottle containing
25 Amphetamine salts prescribed to K.E.T. The officers also found a notebook inside the vehicle
26 which had the words, "Money Ideas" and discussed selling illegal narcotics. Respondent
27 confirmed the notebook was his. On one page, titled "money ideas", listed the following: "Buy
28

1 sheet acid – sell”; “Get major information on drug scene, manufacturing”; “Meth laced weed,
2 force sell at 50-80”; and “Grow poppy lace weed sell 50-90.”

3 **PRAYER**

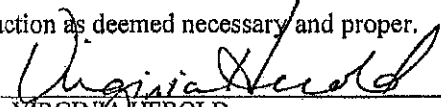
4 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
5 and that following the hearing, the Board of Pharmacy issue a decision:

6 1. Revoking or suspending pharmacy technician registration number TCH 98001 issued
7 to Garrett Michael Noblett;

8 2. Ordering Garrett Michael Noblett to pay the Board of Pharmacy the reasonable costs
9 of the investigation and enforcement of this case, pursuant to Business and Professions Code
10 section 125.3; and

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

12 DATED: 9/11/14


13 VIRGINIA HEROLD
14 Executive Officer
15 Board of Pharmacy
16 Department of Consumer Affairs
17 State of California
18 Complainant

19
20
21
22
23
24
25
26
27
28
SD2013705044
70824562.docx