

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

In the Matter of the Accusation Against:

JOANNE LAFORCE
3536 Ocean Drive
Oxnard, CA 93035

Pharmacist License No. RPH 40455

Respondent.

Case No. 4629

OAH No. 2014110134

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 September 25, 2015.

It is so ORDERED on August 26, 2015.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA



By

Amy Gutierrez, Pharm.D.
Board President

1 KAMALA D. HARRIS
Attorney General of California
2 LINDA L. SUN
Supervising Deputy Attorney General
3 MATTHEW A. KING
Deputy Attorney General
4 State Bar No. 265691
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6 (213) 897-7446

7 *Attorneys for Complainant*

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

12 In the Matter of the Accusation Against:

Case No. 4629
OAH No. 2014110134

13 **JOANNE LAFORCE**
3536 Ocean Drive
Oxnard, CA 93035

14 **STIPULATED SURRENDER OF**
15 **LICENSE AND ORDER**

16 **Pharmacist License No. RPH 40455**

Respondent.

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

19 **PARTIES**

20 1. Complainant Virginia Herold 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 Matthew A. King, Deputy Attorney
23 General.

24 2. Respondent Joanne LaForce is represented in this proceeding by attorney
25 Salvatore J. Zimmitti of Nelson Hardiman, LLP. Counsel's address is 11835 West Olympic
26 Blvd., Suite 900, Los Angeles, CA 90064.

27 3. On August 28, 1986, the Board of Pharmacy issued Pharmacist License No. RPH
28 40455 to Respondent. The Pharmacist License was in full force and effect at all times relevant to

1 the charges brought in Accusation No. 4629 and will expire on January 31, 2016, unless it is
2 renewed.

3 **JURISDICTION**

4 4. Accusation No. 4629 was filed before the Board on August 8, 2014 and is currently
5 pending against Respondent. The Accusation and all other statutorily required documents were
6 properly served on Respondent on November 26, 2014. Respondent timely filed her Notice of
7 Defense contesting the Accusation. A copy of Accusation No. 4629 is attached as Exhibit A and
8 is incorporated herein by reference.

9 **ADVISEMENT AND WAIVERS**

10 5. Respondent has carefully read, fully discussed with counsel, and understands the
11 charges and allegations in Accusation No. 4629. Respondent also has carefully read, fully
12 discussed with counsel, and understands the effects of this Stipulated Surrender of License and
13 Order.

14 6. Respondent is fully aware of her 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 her own expense; the right to confront and cross-examine the witnesses against her; the right to
17 present evidence and to testify on her own behalf; the right to the issuance of subpoenas to
18 compel the attendance of witnesses and the production of documents; the right to reconsideration
19 and 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.

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1 **CULPABILITY**

2 8. Respondent admits the truth of each and every charge and allegation in Accusation
3 No. 4629, agrees that cause exists for discipline, and hereby surrenders her Pharmacist License
4 No. RPH 40455 for the Board's formal acceptance.

5 9. Respondent understands that by signing this stipulation, she enables the Board to
6 issue an order accepting the surrender of her Pharmacist License without further process.

7 **RESERVATION**

8 10. The admissions made by Respondent herein are only for the purposes of this
9 proceeding, or any other proceedings in which the Board of Pharmacy or other professional
10 licensing agency is involved, and shall not be admissible in any other criminal or civil
11 proceeding.

12 **CONTINGENCY**

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

22 12. The parties understand and agree that Portable Document Format (PDF) and facsimile
23 copies of this Stipulated Surrender of License and Order, including Portable Document Format
24 (PDF) and facsimile signatures thereto, shall have the same force and effect as the originals.

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

1 may not be altered, amended, modified, supplemented, or otherwise changed except by a writing
2 executed by an authorized representative of each of the parties.

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

5 **ORDER**

6 IT IS HEREBY ORDERED that Pharmacist License No. RPH 40455, issued to Respondent
7 Joanne LaForce, is surrendered and accepted by the Board of Pharmacy.

8 1. The surrender of Respondent's Pharmacist License and the acceptance of the
9 surrendered license by the Board shall constitute the imposition of discipline against Respondent.
10 This stipulation constitutes a record of the discipline and shall become a part of Respondent's
11 license history with the Board of Pharmacy.

12 2. Respondent shall lose all rights and privileges as a Registered Pharmacist in
13 California as of the effective date of the Board's Decision and Order.

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

16 4. Respondent may not apply for any license, permit, or registration from the Board for
17 three years from the effective date of the Board's Decision and Order.

18 5. If Respondent ever applies for licensure or petitions for reinstatement in the State of
19 California, the Board shall treat it as a new application for licensure. Respondent must comply
20 with all the laws, regulations and procedures for licensure in effect at the time the application or
21 petition is filed, and all of the charges and allegations contained in Accusation No. 4629 shall be
22 deemed to be true, correct and admitted by Respondent when the Board determines whether to
23 grant or deny the application or petition.

24 6. Respondent shall pay the agency its costs of investigation and enforcement in the
25 amount of **\$5,062.50** prior to the issuance of a new license.

26 7. If Respondent should ever apply or reapply for a new license or certification, or
27 petition for reinstatement of a license, by any other health care licensing agency in the State of
28 California, all of the charges and allegations contained in Accusation, No. 4629 may be

1 considered by that agency to be true, correct, and admitted by Respondent for the purpose of any
2 Statement of Issues or any other proceeding seeking to deny or restrict licensure.

3 ACCEPTANCE

4 I have carefully read the above Stipulated Surrender of License and Order and have fully
5 discussed it with my attorney. I understand the stipulation and the effect it will have on my
6 Pharmacist License. I enter into this Stipulated Surrender of License and Order voluntarily,
7 knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board of
8 Pharmacy.

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11 DATED:

3/8/15


JOANNE LAFORCE
Respondent

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14 I have read and fully discussed with my client the terms and conditions and other matters
15 contained in this Stipulated Surrender of License and Order. I approve its form and content.

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18 DATED:

19 SALVATORE J. ZIMMITTI
20 Attorney for Respondent

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1 considered by that agency to be true, correct, and admitted by Respondent for the purpose of any
2 Statement of Issues or any other proceeding seeking to deny or restrict licensure.

3 ACCEPTANCE

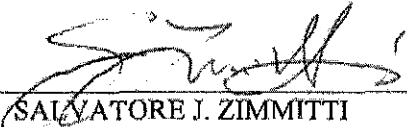
4 I have carefully read the above Stipulated Surrender of License and Order and have fully
5 discussed it with my attorney. I understand the stipulation and the effect it will have on my
6 Pharmacist License. I enter into this Stipulated Surrender of License and Order voluntarily,
7 knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board of
8 Pharmacy.

9
10
11 DATED: _____

JOANNE LAFORCE
Respondent

13
14 I have read and fully discussed with my client the terms and conditions and other matters
15 contained in this Stipulated Surrender of License and Order. I approve its form and content.

16
17
18 DATED: 3/9/15


SALVATORE J. ZIMMITTI
Attorney for Respondent

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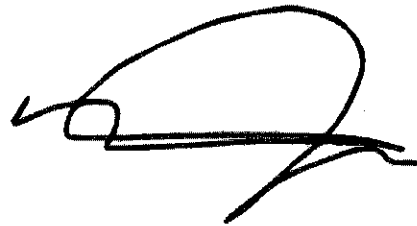
ENDORSEMENT

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: March 10, 2015

Respectfully submitted,

KAMALA D. HARRIS
Attorney General of California
LINDA L. SUN
Supervising Deputy Attorney General

A handwritten signature in black ink, appearing to read 'MATTHEW A. KING', with a stylized, sweeping flourish extending from the end of the name.

MATTHEW A. KING
Deputy Attorney General
Attorneys for Complainant

LA2013509445/51702561

Exhibit A

Accusation No. 4629

1 KAMALA D. HARRIS
Attorney General of California
2 ARMANDO ZAMBRANO
Supervising Deputy Attorney General
3 MATTHEW A. KING
Deputy Attorney General
4 State Bar No. 265691
300 So. Spring Street, Suite 1702
5 Los Angeles, CA 90013
matthew.king@doj.ca.gov
6 (213) 897-7446

7 *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. 4629

12 **JOANNE LAFORCE**

ACCUSATION

13 3536 Ocean Drive
14 Oxnard, CA 93035

[Gov. Code, § 11503.]

15 **Pharmacist License No. RPH 40455**

16 Respondent.

17
18 Complainant alleges:

19 **PARTIES**

20 1. Complainant Virginia Herold brings this Accusation solely in her official capacity as
21 the Executive Officer of the Board of Pharmacy, an agency within the Department of Consumer
22 Affairs.

23 2. On August 28, 1986, the Board issued Registered Pharmacist License Number
24 RPH 40455 to Respondent Joanne LaForce. The Registered Pharmacist License was in full force
25 and effect at all times relevant to the charges brought herein and will expire on January 31, 2016
26 unless it is renewed.

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1 **JURISDICTION**

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

4 4. Section 4300, subdivision (a), of the Code states that "[e]very license issued may be
5 suspended or revoked."

6 5. Section 4300.1 of the Code states:

7 The expiration, cancellation, forfeiture, or suspension of a board-issued
8 license by operation of law or by order or decision of the board or a court of law,
9 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.

10 **STATUTORY PROVISIONS**

11 6. Section 490 of the Code empowers the Board to suspend or revoke a license on the
12 ground that a licensee has been convicted of a crime substantially related to the qualifications,
13 functions or duties of the business or profession for which the license was issued.

14 7. Section 493 of the Code provides that a board may inquire as to the circumstances
15 surrounding the commission of a crime and that the record of conviction of the crime shall be
16 conclusive evidence of the fact that the conviction occurred.

17 8. Section 4301 of the Code states, in pertinent part:

18 The board shall take action against any holder of a license who is guilty of
19 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:

20 ...

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

22 ...

23 (l) The conviction of a crime substantially related to the qualifications,
24 functions, and duties of a licensee...[T]he record of conviction shall be conclusive
25 evidence only of the fact that the conviction occurred. The board may inquire into
the circumstances surrounding the commission of the crime, in order to fix the
26 degree of discipline...A plea or verdict of guilty or a conviction following a plea
of nolo contendere is deemed to be a conviction within the meaning of this
provision.

27 ...

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1 (o) Violating or attempting to violate, directly or indirectly, or assisting in
2 or abetting the violation of or conspiring to violate any provision or term of this
3 chapter or of the applicable federal and state laws and regulations governing
4 pharmacy, including regulations established by the board or by any other state or
5 federal regulatory agency.

6 (p) Actions or conduct that would have warranted denial of a license...

7 9. Section 4307 of the Code states, in pertinent part:

8 (a) Any person who has been denied a license or whose license has been
9 revoked or is under suspension, or who has failed to renew his or her license while
10 it was under suspension, or who has been a manager, administrator, owner,
11 member, officer, director, associate, or partner of any partnership, corporation, firm,
12 or association whose application for a license has been denied or revoked, is under
13 suspension or has been placed on probation, and while acting as the manager,
14 administrator, owner, member, officer, director, associate, or partner had knowledge
15 of or knowingly participated in any conduct for which the license was denied,
16 revoked, suspended, or placed on probation, shall be prohibited from serving as a
17 licensee as follows:

18 (1) Where a probationary license is issued or where an existing license is
19 placed on probation, this prohibition shall remain in effect for a period not to
20 exceed five years.

21 (2) Where the license is denied or revoked, the prohibition shall continue until
22 the license is issued or reinstated...

23 REGULATORY PROVISIONS

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

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

1 CONTROLLED SUBSTANCE

2 11. Marijuana is a Schedule I controlled substance and dangerous drug. (Health & Saf.
3 Code, § 11054, subd. (d)(13); Bus. & Prof. Code, § 4022.)

4 COST RECOVERY

5 12. Section 125.3 of the Code provides that the Board may request the administrative law
6 judge to direct a licensee found to have violated the licensing act to pay a sum not to exceed the
7 reasonable costs of the investigation and enforcement of the case.

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FIRST CAUSE FOR DISCIPLINE

(Conviction of a Substantially Related Crime)

17. Respondent is subject to disciplinary action under Code sections 490 and 4301, subdivision (l), in conjunction with California Code of Regulations, title 16, section 1770, for unprofessional conduct in that Respondent was convicted of a crime substantially related to the qualifications, functions and duties of a Registered Pharmacist. Complainant realleges paragraphs 13-16.

SECOND CAUSE FOR DISCIPLINE

(Violate Statutes Regulating Controlled Substances and Dangerous Drugs)

18. Respondent is subject to disciplinary action under Code sections 4300 and 4301, subdivision (j), for unprofessional conduct in that Respondent violated state statutes regulating controlled substances and dangerous drugs. Complainant realleges paragraphs 13-16.

THIRD CAUSE FOR DISCIPLINE

(Violate Pharmacy Law)

19. Respondent is subject to disciplinary action under Code section 4301, subdivision (o), for unprofessional conduct in that Respondent violated and conspired to violate the provisions of the Pharmacy Law. Complainant realleges paragraphs 13-16.

FOURTH CAUSE FOR DISCIPLINE

(Conduct Warranting Denial)

20. Respondent is subject to disciplinary action under Code section 4301, subdivision (p), for unprofessional conduct in that Respondent committed acts that would warrant denial of licensure if they had been committed by an applicant. Complainant realleges paragraphs 13-16.

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