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

In the Matter of the Accusation Against:

KRYSTLE AMBER MOBLEY
1767 Carignane Way
Escalon, CA 95320

**Pharmacy Technician Registration No.
69734**

Respondent.

Case No. 4741

DEFAULT DECISION AND ORDER

[Gov. Code, §11520]

FINDINGS OF FACT

1. On or about October 21, 2013, Complainant Virginia Herold, in her official capacity as the Executive Officer of the Board of Pharmacy (“Board”), Department of Consumer Affairs, filed Accusation No. 4741 against Krystle Amber Mobley (“Respondent”) before the Board of Pharmacy. (Accusation attached as Exhibit A.)

2. On or about June 28, 2006, the Board issued Pharmacy Technician License No. 69734 to Respondent. The Pharmacy Technician License was in full force and effect at all times

1 relevant to the charges brought in Accusation No. 4741, and will expire on September 30, 2015,
2 unless renewed.

3 3. On or about November 7, 2013, Respondent was served by Certified and First Class
4 Mail copies of the Accusation No. 4741, Statement to Respondent, Notice of Defense, Request
5 for Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6, and
6 11507.7) at Respondent's address of record which, pursuant to Business and Professions Code
7 section 4100, is required to be reported and maintained with the Board. Respondent's address of
8 record was:

9 2340 Mission Street
10 Escalon, CA 95320.

11 4. Service of the Accusation was effective as a matter of law under the provisions of
12 Government Code section 11505, subdivision (c) and/or Business & Professions Code section
13 124.

14 5. On or about December 2, 2013, the aforementioned documents were returned by the
15 U.S. Postal Service marked "Not Deliverable as Addressed - Unable to Forward." The address on
16 the documents was the same as the address on file with the Board.

17 6. On or about December 12, 2013, the Board received a notice of change of address
18 from Respondent.

19 7. On or about February 14, 2014, Respondent was served by Certified and First Class
20 Mail copies of the Accusation No. 4741, Statement to Respondent, Notice of Defense, Request
21 for Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6, and
22 11507.7) at Respondent's new address of record which, pursuant to Business and Professions
23 Code section 4100, is required to be reported and maintained with the Board. Respondent's
24 address of record is:

25 1767 Carignane Way
26 Escalon, CA 95320.

1 8. Service of the Accusation was effective as a matter of law under the provisions of
2 Government Code section 11505, subdivision (c) and/or Business & Professions Code section
3 124.

4 9. Government Code section 11506 states, in pertinent part:

5 (c) The respondent shall be entitled to a hearing on the merits if the respondent
6 files a notice of defense, and the notice shall be deemed a specific denial of all parts
7 of the accusation not expressly admitted. Failure to file a notice of defense shall
8 constitute a waiver of respondent's right to a hearing, but the agency in its discretion
9 may nevertheless grant a hearing.

10 10. Respondent failed to file a Notice of Defense within 15 days after service upon her of
11 the Accusation, and therefore waived her right to a hearing on the merits of Accusation No. 4741.

12 11. California Government Code section 11520 states, in pertinent part:

13 (a) If the respondent either fails to file a notice of defense or to appear at the
14 hearing, the agency may take action based upon the respondent's express admissions
15 or upon other evidence and affidavits may be used as evidence without any notice to
16 respondent.

17 12. Pursuant to its authority under Government Code section 11520, the Board finds
18 Respondent is in default. The Board will take action without further hearing and, based on the
19 relevant evidence contained in the Default Decision Evidence Packet in this matter, as well as
20 taking official notice of all the investigatory reports, exhibits and statements contained therein on
21 file at the Board's offices regarding the allegations contained in Accusation No. 4741, finds that
22 the charges and allegations in Accusation No. 4741, are separately and severally, found to be true
23 and correct by clear and convincing evidence.

24 13. Taking official notice of its own internal records, pursuant to Business and
25 Professions Code section 125.3, it is hereby determined that the reasonable costs for Investigation
26 and Enforcement is \$2,695 as of March 27, 2014.

27 **DETERMINATION OF ISSUES**

28 1. Based on the foregoing findings of fact, Respondent Krystle Amber Mobley has
subjected her Pharmacy Technician Registration No. 69734 to discipline.

2. The agency has jurisdiction to adjudicate this case by default.

1 3. The Board of Pharmacy is authorized to revoke Respondent's Pharmacy Technician
2 Registration based upon the following violations alleged in the Accusation which are supported
3 by the evidence contained in the Default Decision Evidence Packet in this case.:

4 a. Respondent is subject to discipline under Code section 4301, subdivision (l), in that
5 on or about October 2, 2012, in the case of *People v. Krystle Amber Mobley* (Superior Court, San
6 Joaquin County Case No. MF035146A), Respondent was convicted on her plea of guilty of
7 violating Business and Professions Code 4060 (Possession of Dangerous Drug without a
8 Prescription- Flexeril), a misdemeanor. The circumstances are as follows: On or about August 2,
9 2012, a Police Officer with the Escalon Police Department observed Respondent driving a vehicle
10 without a front license plate. The Officer followed Respondent into a gas station parking lot and
11 initiated a traffic stop. The Officer discovered that Respondent's license was suspended on April
12 25, 2012, for failure to appear and not having insurance. In preparation for towing, the Officer
13 conducted an inventory search of Respondent's vehicle and recovered various items, including:
14 (1) a plastic bag retrieved from the driver side door storage compartment which contained 14
15 white pills imprinted with L374 and 21 yellow pills imprinted with TL177; (2) a clear plastic
16 baggie with marijuana leafs imprinted which contained residue of an off white powdery substance
17 was retrieved from Respondent's purse; (3) Aluminum foil with charred residue; (4) a small blue
18 pill imprinted with 10 DAN 5620; and (5) a glass pipe with burnt residue. The Officer learned
19 that the 14 white pills were over the counter medication to treat migraines and the 21 yellow pills
20 were Flexeril, a muscle relaxer. Respondent admitted that she found the pills inside a drawer at
21 her grandfather's house and that she did not have a prescription to possess the Flexeril.
22 Respondent also admitted that the residue found inside the clear plastic baggie was
23 Methamphetamine and that she used the aluminum foil to smoke Heroin. Respondent admitted to
24 the Officer that she was addicted to Heroin and had to smoke it at least once a day to avoid
25 getting sick and to avoid having any withdrawal symptoms, and that she only smokes
26 Methamphetamine to avoid getting sick when she can't get any Heroin.

27 b. Respondent is subject to discipline under Code section 4060, in that Respondent was
28 in possession of a controlled substance without authorization or a valid prescription. The

1 circumstances are as follows: On or about July 11, 2013, Respondent was stopped by a Modesto
2 Police Officer for using her cellular phone while driving. A records check of respondent's license
3 confirmed Respondent's license was suspended since March of 2012. In preparation for towing,
4 the Officer conducted an inventory search of Respondent's vehicle. In conducting the inventory
5 search, the Officer found three square pieces of tin foil with blackened residue on them, two
6 square pieces of tin foil wrapped up that had a black tar-like substance inside of them located in
7 the driver's side door panel, and three plastic straws. Respondent admitted that she uses the
8 straws to smoke her Heroin. The Officer conducted a chemical test on the black tar like
9 substance found in the tin foil and it showed to be presumptive positive for Heroin. Respondent
10 admitted to using Heroin for at least a year, and said that she usually spends up to \$40-50 per day
11 on Heroin. On or about July 11, 2013, Respondent admitted to possessing and using crystal
12 methamphetamine.

13 c. Respondent is subject to discipline under Code section 4301, subdivision (f), in that
14 Respondent committed acts involving dishonesty, fraud, deceit or corruption. The circumstances
15 are as follows: On or about June 3, 2013, a Police Officer with the Modesto Police Department
16 was dispatched to Buckle (a clothing store) regarding a forgery investigation involving
17 Respondent. During the Officer's contact with Respondent, he asked if she had any identification
18 and she told him no. Upon a consent search of Respondent's purse, the officer found a driver's
19 license with Respondent's photograph as T.C. The Officer recognized the photograph in fact to
20 be Respondent, the person he was talking to. The Officer escorted Respondent to his office in the
21 mall and informed her that the manager and employee of Buckle suspected Respondent of using a
22 false drivers' license on separate occasions and the Buckle account she used was also found to be
23 fraudulent. On or about May 29, 2013, Respondent entered Buckle and made a purchase with a
24 gift card and a Buckle account, knowing the last four digits of the social security number on the
25 account. Respondent also provided the Buckle employee a drivers license with Respondent's
26 photograph as L.F., completed the transaction with her signature, and left the store with the
27 merchandise. On or about May 29, 2013, Respondent returned to the store for a second time and
28 purchased a \$200 gift card on the same Buckle account and completed the transaction with her

1 signature. Respondent admitted to knowing a J.L., who is able to provide her with a drivers
2 license with her actual photo, and the last four digits of a social security number which allows her
3 to go into Buckle and charge on an account. Respondent also admitted that she gets to keep the
4 purchased merchandise, however has to give the gift cards along with the fictitious licenses and
5 social security numbers to J.L. Respondent acknowledged that she is aware of another female
6 doing the same thing, however did not have any information about her. When asked why she was
7 committing these fraudulent acts, Respondent admitted that she has been addicted to Heroin for
8 approximately a year and a half.

9 d. On or about June 27, 2013, a criminal complaint was filed in the matter of People v.
10 Krystle Amber Mobley (Superior Court, Stanislaus County), charging violation of Penal Code
11 section 470, subdivision (a) (Forgery), a felony. The criminal complaint is currently pending.

12 e.. Respondent is subject to discipline under Code section 4301, subdivision (g), in that
13 on or about June 3, 2013, and May 29, 2013, Respondent knowingly signed for transaction
14 charges on a store charge account using the identification and social security number that was not
15 Respondent's. The facts and circumstances are more fully set forth above in subpart c.

16 f. Respondent is subject to discipline under Code section 4301, subdivision (o), in that
17 Respondent violated the laws and regulations governing pharmacy, as set forth more fully above
18 in subparts a through e.

19 *DISCIPLINE CONSIDERATIONS*

20 g. On or about March 17, 2010, the Board issued a Letter of Admonishment, Citation
21 Number CI 2008 39003, to Respondent, for violations of Code section 4301, subdivision (h) (use
22 of alcoholic beverage in a manner dangerous or injurious to self or others), on or about July 29,
23 2008, and Code section 4301, subdivision (l) (conviction of crime), on or about July 14, 2009.

24 **ORDER**

25 IT IS SO ORDERED that Pharmacy Technician Registration No. 69734, heretofore issued
26 to Respondent Krystle Amber Mobley, is revoked.

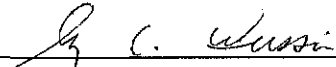
27 Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a
28 written motion requesting that the Decision be vacated and stating the grounds relied on within

1 seven (7) days after service of the Decision on Respondent. The agency in its discretion may
2 vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

3 This Decision shall become effective on May 30, 2014.

4 It is so ORDERED April 30, 2014.

5 BOARD OF PHARMACY
6 DEPARTMENT OF CONSUMER AFFAIRS
7 STATE OF CALIFORNIA

8 By 
9 STAN C. WEISSER
10 Board President

11 11311180.DOC
12 DOJ Matter ID:SA2013112051

13 Attachment:
14 Exhibit A: Accusation

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Exhibit A

Accusation No. 4741

1 KAMALA D. HARRIS
Attorney General of California
2 KENT D. HARRIS
Supervising Deputy Attorney General
3 STEPHANIE ALAMO-LATIF
Deputy Attorney General
4 State Bar No. 283580
1300 I Street, Suite 125
5 P.O. Box 944255
Sacramento, CA 94244-2550
6 Telephone: (916) 327-6819
Facsimile: (916) 327-8643
7 E-mail: Stephanie.AlamoLatif@doj.ca.gov
Attorneys for Complainant

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

11
12 In the Matter of the Accusation Against:

Case No. 4741

13 **KRYSTLE AMBER MOBLEY**
2340 Mission St.
14 Escalon, CA 95320

A C C U S A T I O N

15 **Pharmacy Technician Registration No.**
69734

16
17 Respondent.

18
19 Virginia Herold ("Complainant") alleges:

20 **PARTIES**

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

23 2. On or about June 28, 2006, the Board of Pharmacy issued Pharmacy Technician
24 Registration Number 69734 to Krystle Amber Mobley ("Respondent"). The Pharmacy Technician
25 Registration was in full force and effect at all times relevant to the charges brought herein and will
26 expire on September 30, 2013, unless renewed.

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JURISDICTION

3. This Accusation is brought before the Board of Pharmacy ("Board"), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

4. Code section 4300 provides, in pertinent part, that every license issued may be suspended or revoked.

5. Code section 4300.1 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 PROVISIONS

6. Code section 4060 provides, in pertinent part, that no person shall possess any controlled substance except that furnished upon a valid prescription.

7. Code section 4301 states, in pertinent part:

The board shall take action against any holder of a license who is guilty of unprofessional conduct. Unprofessional conduct shall include, but is not limited to, any of the following:

...

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

"(g) Knowingly making or signing any certificate or other document that falsely represents the existence or nonexistence of a state of facts."

...

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

...

1 insurance. In preparation for towing, the Officer conducted an inventory search of Respondent's
2 vehicle and recovered various items, including: (1) a plastic bag retrieved from the driver side door
3 storage compartment which contained 14 white pills imprinted with L374 and 21 yellow pills
4 imprinted with TL177; (2) a clear plastic baggie with marijuana leafs imprinted which contained
5 residue of an off white powdery substance was retrieved from Respondent's purse; (3) Aluminum
6 foil with charred residue; (4) a small blue pill imprinted with 10 DAN 5620; and (5) a glass pipe
7 with burnt residue. The Officer learned that the 14 white pills were over the counter medication to
8 treat migraines and the 21 yellow pills were Flexeril, a muscle-relaxer. Respondent admitted that
9 she found the pills inside a drawer at her grandfather's house and that she did not have a
10 prescription to possess the Flexeril. Respondent also admitted that the residue found inside the
11 clear plastic baggie was Methamphetamine and that she used the aluminum foil to smoke Heroin.
12 Respondent admitted to the Officer that she was addicted to Heroin and had to smoke it at least
13 once a day to avoid getting sick and to avoid having any withdrawal symptoms, and that she only
14 smokes Methamphetamine to avoid getting sick when she can't get any Heroin.

15 **SECOND CAUSE FOR DISCIPLINE**

16 **(Unlawful Possession of Controlled Substance)**

17 14. Respondent is subject to discipline under Code section 4060, in that Respondent was
18 in possession of a controlled substance without authorization or a valid prescription. The
19 circumstances are as follows:

20 (a) On or about July 11, 2013, Respondent was stopped by a Modesto Police
21 Officer for using her cellular phone while driving. A records check of respondent's license
22 confirmed Respondent's license was suspended since March of 2012. In preparation for towing,
23 the Officer conducted an inventory search of Respondent's vehicle. In conducting the inventory
24 search, the Officer found three square pieces of tin foil with blackened residue on them, two
25 square pieces of tin foil wrapped up that had a black tar-like substance inside of them located in
26 the driver's side door panel, and three plastic straws. Respondent admitted that she uses the
27 straws to smoke her Heroin. The Officer conducted a chemical test on the black tar like substance
28

1 found in the tin foil and it showed to be presumptive positive for Heroin. Respondent admitted to
2 using Heroin for at least a year, and said that she usually spends up to \$40-50 per day on Heroin.

3 (b) On or about July 11, 2013, Respondent admitted to possessing and using crystal
4 methamphetamine.

5 **THIRD CAUSE FOR DISCIPLINE**

6 **(Acts Involving Dishonesty, Fraud, Deceit, or Corruption)**

7 15. Respondent is subject to discipline under Code section 4301, subdivision (f), in that
8 Respondent committed acts involving dishonesty, fraud, deceit or corruption. The circumstances
9 are as follows:

10 (a) On or about June 3, 2013, a Police Officer with the Modesto Police Department
11 was dispatched to Buckle (a clothing store) regarding a forgery investigation involving
12 Respondent. During the Officer's contact with Respondent, he asked if she had any identification
13 and she told him no. Upon a consent search of Respondent's purse, the officer found a driver's
14 license with Respondent's photograph as T.C. The Officer recognized the photograph in fact to be
15 Respondent, the person he was talking to. The Officer escorted Respondent to his office in the
16 mall and informed her that the manager and employee of Buckle suspected Respondent of using a
17 false drivers' license on separate occasions and the Buckle account she used was also found to be
18 fraudulent.

19 (b) On or about May 29, 2013, Respondent entered Buckle and made a purchase
20 with a gift card and a Buckle account, knowing the last four digits of the social security number on
21 the account. Respondent also provided the Buckle employee a drivers license with Respondent's
22 photograph as L.F., completed the transaction with her signature, and left the store with the
23 merchandise. On or about May 29, 2013, Respondent returned to the store for a second time and
24 purchased a \$200 gift card on the same Buckle account and completed the transaction with her
25 signature.

26 (c) Respondent admitted to knowing a J.L., who is able to provide her with a
27 drivers license with her actual photo, and the last four digits of a social security number which
28 allows her to go into Buckle and charge on an account. Respondent also admitted that she gets to

1 keep the purchased merchandise, however has to give the gift cards along with the fictitious
2 licenses and social security numbers to J.L. Respondent acknowledged that she is aware of
3 another female doing the same thing, however did not have any information about her. When
4 asked why she was committing these fraudulent acts, Respondent admitted that she has been
5 addicted to Heroin for approximately a year and a half.

6 16. On or about June 27, 2013, a criminal complaint was filed in the matter of *People v.*
7 *Krystle Amber Mobley* (Superior Court, Stanislaus County), charging violation of Penal Code
8 section 470, subdivision (a) (Forgery), a felony. The criminal complaint is currently pending.

9 **FOURTH CAUSE FOR DISCIPLINE**

10 **(Knowingly Signing a Document that Falsely Represents the Existence or Nonexistence of a**
11 **State of Facts)**

12 17. Respondent is subject to discipline under Code section 4301, subdivision (g), in that
13 on or about June 3, 2013, and May 29, 2013, Respondent knowingly signed for transaction
14 charges on a store charge account using the identification and social security number that was not
15 Respondent's. The facts and circumstances are more fully set forth above in paragraph 15 and its
16 subparts, and paragraph 16.

17 **FIFTH CAUSE FOR DISCIPLINE**

18 **(Violating Laws Governing Pharmacy)**

19 18. Respondent is subject to discipline under Code section 4301, subdivision (o), in that
20 Respondent violated the laws and regulations governing pharmacy, as set forth more fully above in
21 paragraphs 11 through 17.

22 **DISCIPLINE CONSIDERATIONS**

23 19. On or about March 17, 2010, the Board issued a Letter of Admonishment, Citation
24 Number CI 2008 39003, to Respondent, for violations of Code section 4301, subdivision (h) (use
25 of alcoholic beverage in a manner dangerous or injurious to self or others), on or about July 29,
26 2008, and Code section 4301, subdivision (j) (conviction of crime), on or about July 14, 2009.

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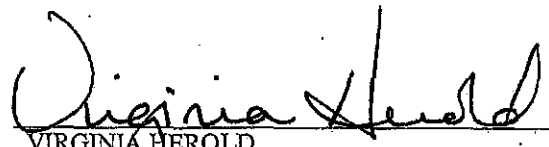
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PRAYER

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. Revoking or suspending Pharmacy Technician Registration Number 69734, issued to Krystle Amber Mobley;
2. Ordering Krystle Amber Mobley to pay the Board of Pharmacy the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;
3. Taking such other and further action as deemed necessary and proper.

DATED: 10/21/13



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

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