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

In the Matter of the Accusation Against:
SIR LANCE CHARLES COULTER
19196 Alamo Lane
Yorba Linda, CA 92886
**Pharmacy Technician Registration No. TCH
77612**

Respondent.

Case No. 4991

DEFAULT DECISION AND ORDER

[Gov. Code, §11520]

FINDINGS OF FACT

1. On or about April 21, 2014, Complainant Virginia Herold, in her official capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs, filed Accusation No. 4991 against Sir Lance Charles Coulter (Respondent) before the Board of Pharmacy. (Accusation attached as Exhibit A.)

2. On or about March 17, 2009, the Board of Pharmacy (Board) issued Pharmacy Technician Registration No. TCH 77612 to Respondent. The Pharmacy Technician Registration was in full force and effect at all times relevant to the charges brought in Accusation No. 4991 and will expire on May 31, 2014, unless renewed.

3. On or about April 21, 2014, Respondent was served by Certified and First Class Mail copies of the Accusation No. 4991, Statement to Respondent, Notice of Defense, Request for

1 Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6, and 11507.7) at
2 Respondent's address of record which, pursuant to Business and Professions Code section 4100,
3 is required to be reported and maintained with the Board. Respondent's address of record was
4 and is: 19196 Alamo Lane, Yorba Linda, CA 92886.

5 4. Service of the Accusation was effective as a matter of law under the provisions of
6 Government Code section 11505, subdivision (c) and/or Business & Professions Code section
7 124.

8 5. On or about April 24, 2014, a certified mail signed receipt from Respondent
9 regarding the service of the aforementioned documents was returned by the U.S. Postal Service.

10 6. Government Code section 11506 states, in pertinent part:

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

16 7. Respondent failed to file a Notice of Defense within 15 days after service upon him
17 of the Accusation, and therefore waived his right to a hearing on the merits of Accusation No.
18 4991.

19 8. California Government Code section 11520 states, in pertinent part:

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

24 9. Pursuant to its authority under Government Code section 11520, the Board finds
25 Respondent is in default. The Board will take action without further hearing and, based on the
26 relevant evidence contained in the Default Decision Evidence Packet in this matter, as well as
27 taking official notice of all the investigatory reports, exhibits and statements contained therein on
28 file at the Board's offices regarding the allegations contained in Accusation No. 4991, finds that
the charges and allegations in Accusation No. 4991, are separately and severally, found to be true
and correct by clear and convincing evidence.

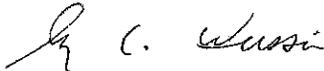
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1 Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a
2 written motion requesting that the Decision be vacated and stating the grounds relied on within
3 seven (7) days after service of the Decision on Respondent. The agency in its discretion may
4 vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

5 This Decision shall become effective on July 9, 2014.

6 It is so ORDERED June 9, 2014.

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8 BOARD OF PHARMACY
9 DEPARTMENT OF CONSUMER AFFAIRS
10 STATE OF CALIFORNIA

11 By 
12 STAN C. WEISSER
13 Board President

12 70870696.DOC
13 DOJ Matter ID:SD2014707100

14 Attachment:
15 Exhibit A: Accusation No. 4991

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Attorneys for Complainant

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

11
12 In the Matter of the Accusation Against:
13 **SIR LANCE CHARLES COULTER**
14 **19196 Alamo Lane**
Yorba Linda, CA 92886
15 **Pharmacy Technician Registration No. TCH**
77612
16
17 Respondent.

Case No. 4991

A C C U S A T I O N

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19
20 Complainant alleges:

21 **PARTIES**

- 22 1. Virginia Herold (Complainant) brings this Accusation solely in her official capacity
23 as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs.
24 2. On or about March 17, 2009, the Board of Pharmacy issued Pharmacy Technician
25 Registration Number TCH 77612 to Sir Lance Charles Coulter (Respondent). The Pharmacy
26 Technician Registration was in full force and effect at all times relevant to the charges brought
27 herein and will expire on May 31, 2014, unless renewed.

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8. 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.

9. 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.

10. Health and Safety Code section 11173 states in pertinent part that no person shall obtain a controlled substance by fraud, deceit, subterfuge or concealment of a material fact.

COSTS

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

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1 **DRUGS**

2 12. Hydrocodone, or Vicodin, is a semi-synthetic opioid derived from codeine, is a
3 Schedule II controlled substance as designated by Health and Safety Code section 11055(b), and
4 is a dangerous drug as designated by Business and Professions Code section 4022.

5 **FACTS**

6 13. From May 2013 through September 27, 2013, Respondent was employed as a
7 pharmacy technician at the Target Pharmacy located on Jamboree Road in Irvine, California.

8 14. In September 2013, Target discovered a discrepancy between the number of
9 Hydrocodone pills ordered, the number dispensed and the number in the inventory at the Target
10 Pharmacy located on Jamboree Road. There were over 5,000 Hydrocodone pills that were
11 unaccounted for.

12 15. On September 25, 2013, Target installed a hidden surveillance camera over the
13 Hydrocodone section in the Target Pharmacy located on Jamboree Road.

14 16. On or about September 26, 2013, video surveillance captured Respondent walking to
15 the Hydrocodone section of the Target Pharmacy, opening a bottle of Hydrocodone and turning
16 the bottle upside down into his free hand. Respondent collected a handful of Hydrocodone pills
17 and placed the pills into his right front pant's pocket and returned the bottle of Hydrocodone to
18 the shelf in the pharmacy. A pill count was conducted on the bottle of Hydrocodone pills and 61
19 Hydrocodone pills were missing.

20 17. On September 27, 2013, Target Loss Prevention staff confronted Respondent about
21 the missing 61 Hydrocodone pills. Respondent admitted that he had taken the 61 Hydrocodone
22 pills. Respondent also admitted that he had stolen 5,566 Hydrocodone pills over the previous 5
23 months from the Target Pharmacy.

24 18. The Irvine Police Department was called and Respondent admitted to the officer that
25 he had been taking approximately 50 Hydrocodone pills from the Target Pharmacy twice a week
26 since May 2013 and had been selling them on the street for \$3.00 per pill.

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1 **FIRST CAUSE FOR DISCIPLINE**

2 (Unprofessional Conduct: Possession of a Controlled Substance Without a Prescription)

3 19. Respondent is subject to discipline for unprofessional conduct under Code section
4 4301(o) in that from approximately May 2013 through September 2013, Respondent possessed
5 controlled substances without a prescription in violation of Code section 4060, when he stole
6 approximately 5,566 Hydrocodone pills from the Target Pharmacy while working there as a
7 pharmacy technician. The circumstances are set forth in detail in paragraphs 13 through 18,
8 above, and are incorporated herein by reference.

9 **SECOND CAUSE FOR DISCIPLINE**

10 (Unprofessional Conduct: Obtaining a Controlled Substance by Fraud, Deceit or Subterfuge)

11 20. Respondent is subject to discipline for unprofessional conduct under Code section
12 4301(j) for obtaining controlled substances by fraud, deceit, or subterfuge in violation of Health
13 and Safety Code section 11173, when he stole approximately 5,566 Hydrocodone pills from the
14 Target Pharmacy from approximately May 2013 through September 2013. The circumstances are
15 set forth in detail in paragraphs 13 through 18, above, and are incorporated herein by reference.

16 **THIRD CAUSE FOR DISCIPLINE**

17 (Unprofessional Conduct: Acts Involving Dishonesty)

18 21. Respondent's license is subject to discipline for unprofessional conduct under Code
19 section 4301(f) for acts involving dishonesty when he stole approximately 5,566 Hydrocodone
20 pills from Target Pharmacy, while working there as a pharmacy technician. The circumstances
21 are set forth in detail in paragraphs 13 through 18, above, and are incorporated herein by
22 reference.

23 **PRAYER**

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

26 1. Revoking or suspending Pharmacy Technician Registration Number TCH 77612
27 issued to Sir Lance Charles Coulter;

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2. Ordering Sir Lance Charles Coulter 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; and

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

DATED:

4/21/14



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

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