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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. 5160

13 **ISHA LADREANA THOMAS**
14 **1418 E. 64th Steet**
15 **Los Angeles, CA 90001**
16 **Pharmacy Technician Registration No. TCH**
17 **103842**

DEFAULT DECISION AND ORDER

[Gov. Code, §11520]

18 Respondent.

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20 **FINDINGS OF FACT**

21 1. On or about September 11, 2014, Complainant Virginia K. Herold, in her official
22 capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs,
23 filed Accusation No. 5160 against Isha LaDreana Thomas (Respondent) before the Board of
24 Pharmacy. (Accusation attached as Exhibit A.)

25 2. On or about October 12, 2010, the Board of Pharmacy (Board) issued Pharmacy
26 Technician Registration No. TCH 103842 to Respondent. The Pharmacy Technician Registration
27 expired on November 30, 2013, and was cancelled on March 2, 2014, pursuant to Business and
28 Professions Code section 4402, subdivision (e).

1 3. On or about September 24, 2014, Respondent was served by Certified and First Class
2 Mail copies of the Accusation No. 5160, Statement to Respondent, Notice of Defense, Request
3 for Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6, and
4 11507.7) at Respondent's address of record which, pursuant to Business and Professions Code
5 section 4100, is required to be reported and maintained with the Board. Respondent's address of
6 record was and is:

7 1418 E. 64th Steet
8 Los Angeles, CA 90001.

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

12 5. Government Code section 11506 states, in pertinent part:

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

18 6. Respondent failed to file a Notice of Defense within 15 days after service upon her of
19 the Accusation, and therefore waived her right to a hearing on the merits of Accusation No. 5160.

20 7. California Government Code section 11520 states, in pertinent part:

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

25 8. Pursuant to its authority under Government Code section 11520, the Board finds
26 Respondent is in default. The Board will take action without further hearing and, based on the
27 relevant evidence contained in the Default Decision Evidence Packet in this matter, as well as
28 taking official notice of all the investigatory reports, exhibits and statements contained therein on
file at the Board's offices regarding the allegations contained in Accusation No. 5160, finds that
the charges and allegations in Accusation No. 5160, are separately and severally, found to be true
and correct by clear and convincing evidence.

1 9. Taking official notice of its own internal records, pursuant to Business and
2 Professions Code section 125.3, it is hereby determined that the reasonable costs for Investigation
3 and Enforcement is \$2,190.00 as of November 18, 2014.

4 DETERMINATION OF ISSUES

5 1. Based on the foregoing findings of fact, Respondent Isha LaDreana Thomas has
6 subjected her Pharmacy Technician Registration No. TCH 103842 to discipline.

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

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

11 a. Respondent is subject to disciplinary action under Business and Professions Code
12 section 4301, subdivision (j), as defined in Business and Professions Code section 4060, in that
13 on or about July 6, 2013, Respondent illegally possessed the controlled substance
14 methamphetamine.

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ORDER

IT IS SO ORDERED that Pharmacy Technician Registration No. TCH 103842, heretofore issued to Respondent Isha LaDreana Thomas, is revoked.

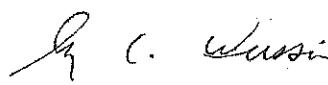
Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a written motion requesting that the Decision be vacated and stating the grounds relied on within seven (7) days after service of the Decision on Respondent. The agency in its discretion may vacate the Decision and grant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

This decision shall become effective on January 16, 2015.

It is so ORDERED on December 17, 2014.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

By


STAN C. WEISSER

Board President

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Exhibit A: Accusation

Exhibit A

Accusation

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Deputy Attorney General
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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. 5160

13 **ISHA LADREANA THOMAS**

14 1418 E. 64th Steet
15 Los Angeles, CA 90001

A C C U S A T I O N

16 Pharmacy Technician Registration
17 No. TCH 103842

Respondent.

18 Complainant alleges:

19 **PARTIES**

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

22 2. On or about October 12, 2010, the Board of Pharmacy issued Pharmacy Technician
23 Registration No. TCH 103842 to Isha LaDreana Thomas (Respondent). The Pharmacy
24 Technician Registration expired on November 30, 2013 and was canceled on March 2, 2014
25 pursuant to Business and Professions Code section 4402, subdivision (e).

26 **JURISDICTION**

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

1 4. Section 4300 provides, in pertinent part, that every license issued by the Board is
2 subject to discipline, including suspension or revocation.

3 5. Section 4300.1 states:

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

9 6. Section 4402, subdivision (e) states:

10 "Any other license issued by the board may be canceled by the board if the license is not
11 renewed within 60 days after its expiration. Any license canceled under this subdivision may not be
12 reissued. Instead, a new application will be required."

13 **STATUTORY PROVISIONS**

14 7. Section 492 states, in pertinent part:

15 "Notwithstanding any other provision of law, successful completion of any diversion
16 program under the Penal Code, or successful completion of an alcohol and drug problem
17 assessment program under Article 5 (commencing with Section 23249.50) of Chapter 12 of
18 Division 11 of the Vehicle Code, shall not prohibit any agency established under Division 2
19 (commencing with Section 500) of this code, or any initiative act referred to in that division, from
20 taking disciplinary action against a licensee or from denying a license for professional
21 misconduct, notwithstanding that evidence of that misconduct may be recorded in a record
22 pertaining to an arrest."

23 8. Section 4060 provides in pertinent part, that no person shall possess any controlled
24 substance, except that furnished to a person upon the prescription of a physician, dentist,
25 podiatrist, optometrist, veterinarian, or other authorized prescriber.

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1 9. Section 4301 states:

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

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

8 **REGULATORY PROVISIONS**

9 10. California Code of Regulations, title 16, section 1770 states, in pertinent part:

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

16 **COST RECOVERY**

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

21 12. **CONTROLLED SUBSTANCE**

22 "Methamphetamine," is a Schedule II controlled substance as designated by Health and
23 Safety Code section 11055, subdivision (d)(2) and is categorized as a dangerous drug pursuant to
24 section 4022.

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1 FIRST CAUSE FOR DISCIPLINE

2 (Possession of a Controlled Substance)

3 13. Respondent is subject to disciplinary action under section 4301, subdivision (j), as
4 defined in section 4060, in that on or about July 6, 2013, Respondent obtained or possessed a
5 controlled substance. The circumstances are as follows:

6 a. On or about January 17, 2014, Respondent plead guilty to one misdemeanor count of
7 violating Health and Safety Code section 11370, subdivision (a) [possession of a controlled
8 substance] in the criminal proceeding entitled *The People of the State of California v. Isha*
9 *Thomas* (Super. Ct. San Bernardino County, 2014, No. FVA1301710). The Court placed
10 Respondent on deferred entry of judgment for 18 months pending Respondent's completion of a
11 drug diversion program.

12 b. On or about July 6, 2013, during a traffic enforcement stop by a Fontana Police
13 Department officer, Respondent, the left rear passenger and one of four people in the vehicle, was
14 asked to exit the vehicle along with the rest of the occupants. The officer looked inside the car
15 and in plain sight on the rear seat of the car was a purse. Respondent indicated that the purse was
16 hers and when the officer asked if he could look inside of it, Respondent stated, "Go ahead, there
17 is nothing illegal in there anyways." The officer looked inside Respondent's purse and noticed a
18 clear plastic baggie towards the top of the purse that had a white crystal like substance inside of it
19 which the officer recognized as Methamphetamine. The substance tested positive for
20 Methamphetamine using a NIK test kit as well as when tested by the San Bernardino County
21 Sheriff's Department Scientific Investigations Division laboratory.

22 PRAYER

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

25 1. Revoking or suspending Pharmacy Technician Registration No. TCH 103842, issued
26 to Isha LaDreana Thomas;

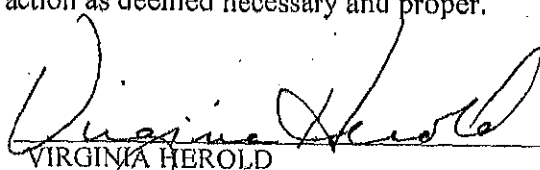
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1 2. Ordering Isha LaDreana Thomas to pay the Board of Pharmacy the reasonable costs
2 of the investigation and enforcement of this case, pursuant to Business and Professions Code
3 section 125.3; and

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

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6 DATED: 9/11/14


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

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