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

In the Matter of the Accusation Against:

TARA BRIANN FLORES 18646 Oxnard Street Tarzana, CA 91356

Pharmacy Technician Registration No. TCH 107738

Respondent.

Case No. 5566

OAH NO. 2015120690

#### **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 at 5:00 p.m. on September 23, 2016.

It is so ORDERED on August 24, 2016.

BOARD OF PHARMACY DEPARTMENT OF CONSUMER AFFAIRS STATE OF CALIFORNIA

By

Amy Gutierrez, Pharm.D. Board President

Kamala D. Harris		
Attorney General of California ANTOINETTE B. CINCOTTA		
Supervising Deputy Attorney General		
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San Diego, CA 92186-5266 Telephone: (619) 738-9463		
Facsimile: (619) 645-2061 Attorneys for Complainant		
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BEFORE THE BOARD OF PHARMACY		
DEPARTMENT OF CONSUMER AFFAIRS		
STATE OF C	CALIFORNIA	
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In the Matter of the Accusation Against:	Case No. 5566	
TARA BRIANN FLORES 18646 Oxnard Street	OAH No. 2015120690	
Tarzana, CA 91356	STIPULATED SURRENDER OF	
Pharmacy Technician Registration No. TCH	LICENSE AND ORDER	
107738		
Respondent.	)	
IT IS HEREBY STIPULATED AND AGE	REED by and between the parties to the above-	
entitled proceedings that the following matters as	re true:	
PAR	TIES	
	Executive Officer of the Board of Pharmacy	
(Board). She brought this action solely in her off	icial capacity and is represented in this matter by	
Kamala D. Harris, Attorney General of the State	of California, by Manuel Arambula, Deputy	
Attorney General.		
2. Tara Briann Flores (Respondent) is r	organism houself in this way a live of the	
,	epresenting herself in this proceeding and has	
chosen not to exercise her right to be represented	by counsel.	
3. On or about October 26, 2010, the B	oard issued Pharmacy Technician Registration	
No. TCH 107738 to Respondent. The Pharmacy	Technician Registration was in full force and	

effect at all times relevant to the charges brought in Accusation No. 5566. The Pharmacy Technician Registration expired on January 31, 2016, and has not been renewed.

#### JURISDICTION

4. Accusation No. 5566 was filed before the Board and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent on October 2, 2015. Respondent timely filed her Notice of Defense contesting the Accusation. A copy of Accusation No. 5566 is attached as Exhibit A and incorporated by reference.

#### ADVISEMENT AND WAIVERS

- 5. Respondent has carefully read and understands the charges and allegations in Accusation No. 5566. Respondent also has carefully read and understands the effects of this Stipulated Surrender of License and Order.
- 6. Respondent is fully aware of her legal rights in this matter, including the right to a hearing on the charges and allegations in the Accusation; the right to be represented by counsel, at her own expense; the right to confront and cross-examine the witnesses against her; the right to present evidence and to testify on her own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.
- 7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

#### **CULPABILITY**

- 8. Respondent admits the truth of each and every charge and allegation in Accusation No. 5566, agrees that cause exists for discipline and hereby surrenders her Pharmacy Technician Registration No. TCH 107738 for the Board's formal acceptance.
- 9. Respondent understands that by signing this stipulation she enables the Board to issue an order accepting the surrender of her Pharmacy Technician Registration without further process.

#### CONTINGENCY

- 10. This stipulation shall be subject to approval by the Board. Respondent understands and agrees that counsel for Complainant and the staff of the Board 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 she may not withdraw her 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 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 107738, issued to Respondent Tara Briann Flores, 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.

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as of the effective date of the Board's Decision and Order.

Respondent shall lose all rights and privileges as a Pharmacy Technician in California

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

- If Respondent ever applies for licensure or petitions for reinstatement in the State of California, the Board shall treat it as a new application for licensure. Respondent may not apply for any license, permit, or registration from the board for three (3) years from the effective date of this decision. Respondent stipulates that should she apply for any license from the board on or after the effective date of this decision, all allegations set forth in the accusation shall be deemed to be true, correct and admitted by Respondent when the board determines whether to grant or deny the application. Respondent shall satisfy all requirements applicable to that license as of the date the application is submitted to the board, including; but not limited to certification by a nationally recognized body prior to the issuance of a new license. Respondent is required to report this surrender as disciplinary action.
- Respondent shall pay the agency its costs of investigation and enforcement in the amount of \$3,982.50 prior to issuance of a new or reinstated license.
- If Respondent should ever apply or reapply for a new license or certification, or petition for reinstatement of a license, by any other health care licensing agency in the State of California, all of the charges and allegations contained in Accusation No. 5566 shall be deemed to be true, correct, and admitted by Respondent for the purpose of any Statement of Issues or any other proceeding seeking to deny or restrict licensure.

#### ACCEPTANCE

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

DATED:

07/11/2016

TARA BRIA IN FLORES

Respondent

Stipulated Surrender of Linense (Case No. 5566)

1	<u>ENDORSEMENT</u>		
2	The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted		
3	for consideration by the Board of Pharmacy of the Department of Consumer Affairs.		
. 4	Dated: ) / / / / (2)	Respectfully submitted,	
5		Kamala D. Harris	
6		Attorney General of California ANTOINETTE B. CINCOTTA Supervising Deputy Attorney General	
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8 -		Malle Combila_	
9		MANUEL ARAMBULA Deputy Attorney General	
10		Deputy Attorney General Attorneys for Complainant	
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Exhibit A

Accusation No. 5566

1	Kamala D, Harris	
2	Attorney General of California LINDA K. SCHNEIDER	
3	Senior Assistant Attorney General JAMES M, LEDAKIS	
4	Supervising Deputy Attorney General State Bar No. 132645	
5	600 West Broadway, Suite 1800	
	San Diego, CA 92101 P.O. Box 85266	
6	San Diego, CA 92186-5266 Telephone: (619) 645-2105	
7	Facsimile: (619) 645-2061 Attorneys for Complainant	
8		
9	BEFORE THE BOARD OF PHARMACY	
10	DEPARTMENT OF CONSUMER AFFAIRS STATE OF CALIFORNIA	
11		
12	In the Matter of the Accusation Against:	Case No. 5566
13	TARA BRIANN FLORES 3449 Corvallis Street	ACCUSATION
14	Carlsbad, CA 92010	
15	Pharmacy Technician Registration No. TCH 107738	
16	Respondent.	
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18	Complainant alleges:	
19	PARTIES	
20	1. Virginia Herold (Complainant) brings this	Accusation solely in her official
21	capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs.	
22	2. On October 26, 2010, the Board of Pharmacy issued Pharmacy Technician	
23	Registration Number TCH 107738 to Tara Briann Flores (Respondent). Respondent has also	
24	been known as Tara Elizabeth Br Flores and Tara Flores. The Pharmacy Technician Registration	
25	was in full force and effect at all times relevant to the charges brought herein and will expire on	
26	January 31, 2016, unless renewed.	
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( TARA BRIANN FLORES) ACCUSATION

#### 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. Section 4300, subdivision (a), of the Code provides that every license issued by the Board may be suspended or revoked.
  - 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 PROVISIONS

6. Section 482 of the Code states:

Each board under the provisions of this code shall develop criteria to evaluate the rehabilitation of a person when:

- (a) Considering the denial of a license by the board under Section 480; or
- (b) Considering suspension or revocation of a license under Section 490.

Each board shall take into account all competent evidence of rehabilitation furnished by the applicant or licensee.

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:

- (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.
- (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.

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(1) The conviction of a crime substantially related to the qualifications, functions, and duties of a licensee under this chapter. The record of conviction of a violation of Chapter 13 (commencing with section 801) of Title 21 of the United States Code regulating controlled substances or of a violation of the statutes of this state regulating controlled substances or dangerous drugs shall be conclusive evidence of unprofessional conduct. In all other cases, the record of conviction shall be conclusive 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 degree of discipline or, in the case of a conviction not involving controlled substances or dangerous drugs, to determine if the conviction is of an offense substantially related to the qualifications, functions, and duties of a licensee under this chapter. 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. The board may take action when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under section 1203.4 of the Penal Code allowing the person to withdraw his or her plea of guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or dismissing the accusation, information, or indictment.

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

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### 8. Health & Safety Code section 11364.1, subdivision (a) states:

It is unlawful to possess an opium pipe or any device, contrivance, instrument, or paraphernalia used for unlawfully injecting or smoking (1) a controlled substance specified in subdivision (b), (c), or (e), or paragraph (1) of subdivision (f) of Section 11054, specified in paragraph (14), (15), or (20) of subdivision (d) of Section 11054, specified in subdivision (b) or (e) of Section 11055, or specified in paragraph (2) of subdivision (d) of Section 11055, or (2) a controlled substance which is a narcotic drug classified in Schedule III, IV, or V.

#### REGULATORY PROVISIONS

#### 9. California Code of Regulations, title 16, section 1770, states:

For the purpose of denial, suspension, or revocation of a personal or facility license pursuant to Division 1.5 (commencing with Section 475) of the Business and Professions Code, a crime or act shall be considered substantially 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.

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#### COST RECOVERY

10. Section 125.3 of the Code provides, 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, with failure of the licentiate to comply subjecting the license to not being renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be included in a stipulated settlement.

#### FIRST CAUSE FOR DISCIPLINE

(June 25, 2014 Conviction for Driving on a Suspended License on September 24, 2013)

- 11. Respondent has subjected her Pharmacy Technician Registration to disciplinary action under Code section 4301, subdivision (I) in that she was convicted of a crime that is substantially related to the qualifications, functions, and duties of a registered pharmacy technician. The circumstances are as follows:
- a. On June 25, 2014, in a criminal proceeding entitled *The People of the State of California v. Tara Briann Flores*, in the Los Angeles County Superior Court, Glendale Courthouse, Criminal Division Case Number 3GN03695, Respondent was convicted on her plea of *nolo contendere* to violating Vehicle Code (VC) section 14601.1, subdivision (a), driving when privilege is suspended or revoked, a misdemeanor.
- b. As a result of the conviction, on June 25, 2014, Respondent was sentenced to 10 days in the Los Angeles County Jail, with credit for ten days, and granted 36 months summary probation under certain terms and conditions. Respondent was ordered to pay a fine, which was deemed satisfied by Respondent's credit of 12 days in custody.
- c. The facts that led to the conviction are that on September 24, 2013,
  Respondent drove a vehicle upon a highway in Los Angeles County, California. During an
  enforcement stop initiated by a California Highway Patrol (CHP) officer, Respondent was found
  driving her vehicle when her privilege to drive was suspended or revoked.

#### SECOND CAUSE FOR DISCIPLINE

(Commission of Acts Involving Moral Turpitude, Dishonesty, Fraud, or Deceit)

- 12. Respondent has subjected her Pharmacy Technician Registration to disciplinary action under Code section 4301, subdivision (f), in that on July 27, 2014, Respondent unlawfully possessed a paraphernalia used for smoking a controlled substance, an act involving moral turpitude, dishonesty, fraud, or deceit. The circumstances are as follows:
- a. On July 27, 2014, Respondent parked at a gas station after hitting a curb in a neighborhood in San Marino, California. An officer from the San Marino Police Department asked Respondent if she was okay and if the interior of the vehicle may be searched. Respondent consented to the search and told the officer that everything inside the vehicle was hers. During the search of Respondent's car, the officer found a glass methamphetamine pipe inside the back pocket of the front passenger seat. Respondent was thereafter issued an Own Recognizance Citation and ordered to appear in the Los Angeles County Superior Court, Alhambra Courthouse.
- b. On December 3, 2014, in a criminal proceeding entitled *The People of the State of California vs. v. Tara Elizabeth Br Flores*, in Los Angeles County Superior Court, Alhambra Courthouse, Case Number 4AH03632, Respondent was convicted on her plea of *noto contendere* to violating Health and Safety Code (HSC) section 11364.1, subdivision (a)(1), possession of paraphernalia used for smoking a controlled substance specified in subdivision (b), (c), or (e), or paragraph (1) of subdivision (f) of HSC section 11054, specified in paragraph (14), (15), or (20) of subdivision (d) of HSC section 11054, specified in subdivision (b) or (c) of HSC section 11055, or specified in paragraph (2) of subdivision (d) of HSC section 11055, a misdemeanor.
- c. As a result of the conviction, on December 3, 2014, Respondent was scheduled for probation and sentence hearing on January 8, 2015. Respondent was issued a bench warrant in the amount of \$30,000.00, which was recalled. Respondent was granted the option to withdraw her plea and the matter would be dismissed if Respondent completed 20 narcotics anonymous (NA) meetings. On January 8, 2015, respondent filed proof of completion ///

of 20 NA meetings, her plea of *nolo contendere* was withdrawn, and the matter was dismissed under Penal Code (PC) section 1385.

#### THIRD CAUSE FOR DISCIPLINE

#### (Commission of Acts Involving Moral Turpitude, Dishonesty, Fraud, or Deceit)

13. Respondent has subjected her Pharmacy Technician Registration to disciplinary action under Code section 4301, subdivision (f), in that Respondent committed acts involving moral turpitude, dishonesty, fraud, or deceit. The circumstances are that on September 22, 2014, in Glendale, California, Respondent, who was driving alone in her car, used a preferential highway lane that was reserved for the exclusive use of high occupancy vehicles, in violation of VC section 21655.5, subdivision (b). A CHP officer initiated an enforcement stop and demanded from Respondent her driver's license. The officer found that Respondent was driving her car upon a highway, without a valid driver's license in her possession, in violation of VC section 12951, subdivision (a), and at a time when her driving privilege was suspended, in violation of VC section 14601.1, subdivision (a).

#### FOURTH CAUSE FOR DISCIPLINE

#### (Violation of Drug Laws)

14. Respondent subjected her Pharmacy Technician Registration to discipline under Code section 4301, subdivision (j) in that she violated HSC sections 11364.1, subdivision (a)(1), a statute of the State of California regulating controlled substances, as detailed in paragraph 12, above.

#### FIFTH CAUSE FOR DISCIPLINE

#### (Conduct That Would Have Warranted Denial of a License)

15. Respondent subjected her Pharmacy Technician Registration to discipline under Code section 4301, subdivision (p), in that Respondent was convicted of a misdemeanor, conduct that would have warranted the denial of a pharmacy technician registration under Code section 480, subdivision (a)(1), as detailed in paragraph 11, above.

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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:

- Revoking or suspending Pharmacy Technician Registration Number TCH
   107738, issued to Tara Briann Flores;
- 2. Ordering Tara Briann Flores 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: 9/20/45	Orginia Xleedel
	VIRGINIA HEROLD

VIRGINIA HEROLD

Executive Officer

Board of Pharmacy

Department of Consumer Affairs

State of California

State of California
Complainant

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