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

In the Matter of the Accusation Against:

Case No. 5846

HEATHER LYNN DIXON 278 E. Colorado Blvd., #1616 Pasadena, CA 91101

Intern Pharmacist Registration No. INT 29781

Respondent.

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 June 22, 2017.

It is so ORDERED on May 23, 2017.

BOARD OF PHARMACY DEPARTMENT OF CONSUMER AFFAIRS STATE OF CALIFORNIA

By

Amy Gutierrez, Pharm.D. Board President

1	XAVIER BECERRA		
2	Attorney General of California LINDA L. SUN	· · ·	
3	Supervising Deputy Attorney General VINODHINI R. KELLER		
4	Deputy Attorney General State Bar No. 240534		
5	300 So. Spring Street, Suite 1702 Los Angeles, CA 90013		
6	Telephone: (213) 897-2015 Façsimile: (213) 897-2804		
7	Attorneys for Complainant		
8	BEFORE THE BOARD OF PHARMACY DEPARTMENT OF CONSUMER AFFAIRS		
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	STATE OF	CALIFORNIA	
10	In the Matter of the Accusation Against:	Case No. 5846	
11	HEATHER LYNN DIXON	OAH No. 2017010450	
12	278 E. Colorado Blvd., #1616 Pasadena, CA 91101	STIPULATED SURRENDER OF	
13	Intern Pharmacist Registration No. INT	LICENSE AND ORDER	
14	29781		
15	Respondent.		
	Kospondom,		
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16 17			
		REED by and between the parties to the above-	
17		REED by and between the parties to the above-	
17 18	IT IS HEREBY STIPULATED AND AG entitled proceedings that the following matters a	REED by and between the parties to the above-	
17 18 19	IT IS HEREBY STIPULATED AND AG entitled proceedings that the following matters a PAI	REED by and between the parties to the above- are true:	
17 18 19 20	IT IS HEREBY STIPULATED AND AG entitled proceedings that the following matters of <u>PAI</u> 1. Virginia Herold (Complainant) is th	REED by and between the parties to the above- are true: RTIES are Executive Officer of the Board of Pharmacy	
17 18 19 20 21	IT IS HEREBY STIPULATED AND AG entitled proceedings that the following matters a <u>PAI</u> 1. Virginia Herold (Complainant) is the (Board). She brought this action solely in her o	REED by and between the parties to the above- are true: RTIES he Executive Officer of the Board of Pharmacy fficial capacity and is represented in this matter by	
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3. On or about July 18, 2012, the Board issued Intern Pharmacist Registration No. INT 29781 to Heather Lynn Dixon (Respondent). The Intern Pharmacist Registration was in full force and effect at all times relevant to the charges brought in Accusation No. 5846 and expired on June 30, 2016.

JURISDICTION

4. Accusation No. 5846 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 December 14, 2016. Respondent timely filed her Notice of Defense contesting the Accusation. A copy of Accusation No. 5846 is attached as Exhibit A and incorporated by reference.

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ADVISEMENT AND WAIVERS

12 5. Respondent has carefully read, fully discussed with counsel, and understands the
13 charges and allegations in Accusation No. 5846. Respondent also has carefully read, fully
14 discussed with counsel, and understands the effects of this Stipulated Surrender of License and
15 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 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.

22 7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and
23 every right set forth above.

CULPABILITY

8. Respondent admits the truth of each and every charge and allegation in Accusation
No. 5846, agrees that cause exists for discipline and hereby surrenders her Intern Pharmacist
Registration No. INT 29781 for the Board's formal acceptance.

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

CONTINGENCY

This stipulation shall be subject to approval by the Board. Respondent understands 10. 4 and agrees that counsel for Complainant and the staff of the Board may communicate directly 5 with the Board regarding this stipulation and surrender, without notice to or participation by 6 Respondent or her counsel. By signing the stipulation, Respondent understands and agrees that 7 she may not withdraw her agreement or seek to rescind the stipulation prior to the time the Board 8 considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order, 9 the Stipulated Surrender and Disciplinary Order shall be of no force or effect, except for this 10 paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not 11 be disqualified from further action by having considered this matter. 12

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

16 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.
18 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.

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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:

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ORDER

IT IS HEREBY ORDERED that Intern Pharmacist Registration No. INT 29781, issued to
 Respondent Heather Lynn Dixon, is surrendered and accepted by the Board of Pharmacy.

27 28 1. The surrender of Respondent's Intern Pharmacist 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 of Pharmacy.

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

3. 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.

4. If she 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 must comply
with all the laws, regulations and procedures for licensure in effect at the time the application or
petition is filed, and all of the charges and allegations contained in Accusation No. 5846 shall be
deemed to be true, correct and admitted by Respondent when the Board determines whether to
grant or deny the application or petition.

13 5. Respondent shall pay the agency its costs of investigation and enforcement in the
14 amount of \$2,597.50 within sixty (60) days of the effective date of the Decision and Order.

6. 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. 5846 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.

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ACCEPTANCE

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

3312017 DATED:

HEATHER LYNN DIXON Respondent

I have read and fully discussed with Respondent Heather Lynn Dixon the terms and conditions and other matters contained in this Stipulated Surrender of License and Order. I approve its form and content.

ARCK 3 DATED:

MICHAEL R. KILTS Attorney for Respondent

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 3: 2017.

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LA2016601251 52395312.doc VINODHINI R. KELLER Deputy Attorney General Attorneys for Complainant

Respectfully submitted.

Attorney General of California

Supervising Deputy Attorney General

XAVIER BECERRA

LINDA L. SUN

Exhibit A

Accusation No. 5846

1 2 3 4 5 6 7	KAMALA D. HARRIS Attorney General of California LINDA L. SUN Supervising Deputy Attorney General VINODHINI R. KELLER Deputy Attorney General State Bar No. 240534 300 So. Spring Street, Suite 1702 Los Angeles, CA 90013 Telephone: (213) 897-2015 Facsimile: (213) 897-2804 Attorneys for Complainant		
	BEFORE THE		
8	BOARD OF PHARMACY DEPARTMENT OF CONSUMER AFFAIRS STATE OF CALIFORNIA		
10			
11	In the Matter of the Accusation Against:	Case No. 5846	
12	HEATHER LYNN DIXON		
13	278 E. Colorado Blvd., #1616 Pasadena, CA 91101	ACCUSATION	
14	Intern Pharmacist Registration No. INT		
15	29781		
16	Respondent.		
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19	Complainant alleges:		
20	PAR	TIES	
21	1. Virginia Herold (Complainant) bring	s this Accusation solely in her official capacity	
22	as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs.		
23	2. On or about July 18, 2012, the Board of Pharmacy issued Intern Pharmacist		
24	Registration Number INT 29781 to Heather Lynn Dixon (Respondent). The Intern Pharmacist		
25	Registration was in full force and effect at all times relevant to the charges brought herein and		
26	expired on June 30, 2016.		
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	. 1		
		(HEATHER LYNN DIXON) ACCUSATION	

1 JURISDICTION 3. This Accusation is brought before the Board of Pharmacy (Board), Department of $\mathbf{2}$ Consumer Affairs, under the authority of the following laws. All section references are to the 3 Business and Professions Code unless otherwise indicated. 4 STATUTORY PROVISIONS 5 Section 490 of the Code states: 4. 6 "(a) In addition to any other action that a board is permitted to take against a licensee, a 77 board may suspend or revoke a license on the ground that the licensee has been convicted of a 8 crime, if the crime is substantially related to the qualifications, functions, or duties of the business 9 10or profession for which the license was issued. "(b) Notwithstanding any other provision of law, a board may exercise any authority to 11 discipline a licensee for conviction of a crime that is independent of the authority granted under 12 13 subdivision (a) only if the crime is substantially related to the qualifications, functions, or duties 14 of the business or profession for which the licensee's license was issued. "(c) A conviction within the meaning of this section means a plea or verdict of guilty or a 15 conviction following a plea of nolo contendere. Any action that a board is permitted to take 16 following the establishment of a conviction may be taken when the time for appeal has elapsed, or 17 the judgment of conviction has been affirmed on appeal, or when an order granting probation is 18made suspending the imposition of sentence, irrespective of a subsequent order under the 19 20provisions of Section 1203.4 of the Penal Code." Section 493 of the Code states: 215. 22 "Notwithstanding any other provision of law, in a proceeding conducted by a board within the department pursuant to law to deny an application for a license or to suspend or revoke a 23 license or otherwise take disciplinary action against a person who holds a license, upon the 24 ground that the applicant or the licensee has been convicted of a crime substantially related to the 25qualifications, functions, and duties of the licensee in question, the record of conviction of the 26crime shall be conclusive evidence of the fact that the conviction occurred, but only of that fact, 27and the board may inquire into the circumstances surrounding the commission of the crime in 28

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order to fix the degree of discipline or to determine if the conviction is substantially related to the qualifications, functions, and duties of the licensee in question. "As used in this section, 'license' includes 'certificate,' 'permit,' 'authority,' and 'registration."

6. Section 4300 of the Code provides in pertinent part that every license issued by the
 Board is subject to discipline, including suspension or revocation.

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7. 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."

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Section 4301 of the Code states in relevant part:

"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:

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"(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.

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21"(I) 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 22(commencing with Section 801) of Title 21 of the United States Code regulating controlled 23substances or of a violation of the statutes of this state regulating controlled substances or 24 25 dangerous drugs shall be conclusive evidence of unprofessional conduct. In all other cases, the 26record 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 27to fix the degree of discipline or, in the case of a conviction not involving controlled substances or 28

1	dangerous drugs, to determine if the conviction is of an offense substantially related to the		
2	qualifications, functions, and duties of a licensee under this chapter. A plea or verdict of guilty or		
3	a conviction following a plea of nolo contendere is deemed to be a conviction within the meaning		
4	of this provision. The board may take action when the time for appeal has elapsed, or the		
5	judgment of conviction has been affirmed on appeal or when an order granting probation is made		
6	suspending the imposition of sentence, irrespective of a subsequent order under Section 1203,4 of		
7	the Penal Code allowing the person to withdraw his or her plea of guilty and to enter a plea of not		
8	guilty, or setting aside the verdict of guilty, or dismissing the accusation, information, or		
9	indictment."		
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11	"(p) Actions or conduct that would have warranted denial of a license."		
12	REGULATORY PROVISION		
13	9. California Code of Regulations, title 16, section 1770, states:		
14	"For the purpose of denial, suspension, or revocation of a personal or facility license		
15	pursuant to Division 1.5 (commencing with Section 475) of the Business and Professions Code, a		
16	crime or act shall be considered substantially related to the qualifications, functions or duties of a		
17	licensee or registrant if to a substantial degree it evidences present or potential unfitness of a		
18	licensee or registrant to perform the functions authorized by his license or registration in a manner		
19	consistent with the public health, safety, or welfare."		
20	COST RECOVERY		
21	10. Section 125.3 of the Code states, in pertinent part, that the Board may request the		
22	administrative law judge to direct a licentiate found to have committed a violation or violations of		
23	the licensing act to pay a sum not to exceed the reasonable costs of the investigation and		
24	enforcement of the case.		
25	FIRST CAUSE FOR DENIAL OF APPLICATION		
26	(Conviction of a Substantially Related Crime)		
27	11. Respondent is subject to discipline under Code sections 490, 493, 4301, subdivisions		
28	(1) and (p) in conjunction with California Code of Regulations, title 16, section 1770, in that she		
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	(HEATHER LYNN DIXON) ACCUSATION		

was convicted of a crime that is substantially related to the qualifications, duties, and functions of
 an intern pharmacist. The circumstances are as follows:

a. On or about February 26, 2009 in a criminal proceeding entitled *The People of the State of California v. Heather Lynn Dixon* (Super. Ct., Los Angeles County, 2009, No.
8PS68080), Respondent was convicted of one misdemeanor count of violating Vehicle Code
section 23103, subdivision (a) [reckless driving]. Respondent was ordered to serve one day in jail
and placed on 24 months summary probation, with terms and conditions. The case was dismissed
on or about April 22, 2011 pursuant to Penal Code section 1203.4.

b. On or about December 19, 2012 in a criminal proceeding entitled The People of the 9 State of California v. Heather Lynn Dixon (Super. Ct.; Los Angeles County, 2012, No. 10 BA398297), Respondent was convicted of one misdemeanor count for violating Vehicle Code 11 section 14610.1, subdivision (a) [manufacture/sell ID similar to CDL]. Respondent was placed 12 on 24 months probation. Her case was dismissed on or about March 27, 2015 pursuant to Penal 13 Code section 1203.4. The circumstances underlying this conviction are that in 2008, Respondent 14 began working with a friend to manufacture and distribute counterfeit driver's licenses in 15 California and Texas. Respondent acted as the "middle-man" which involved contacting "clients" 16 who were often underage students wanting counterfeit driver's licenses and assisting them in 17 getting the counterfeit license, 18

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SECOND CAUSE FOR DENIAL OF APPLICATION

(Act Involving Dishonesty, Fraud, or Deceit)

21. 12. Respondent is subject to discipline under Code section 4301, subdivision (f) in
that she committed an act involving dishonesty, fraud, or deceit with the intent to substantially
benefit herself or another, or substantially injure another. Complainant realleges paragraph 11(b)
above.

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(HEATHER LYNN DIXON) ACCUSATION

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1	PRAYER		
2	WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,		
3	and that following the hearing, the Board of Pharmacy issue a decision:		
4	1.Revoking or suspending Intern Pharmacist Registration Number INT 29781, issued toHeather Lynn Dixon;		
6	2. Ordering Heather Lynn Dixon to pay the Board of Pharmacy the reasonable costs of		
7	the investigation and enforcement of this case, pursuant to Business and Professions Code section		
8	125.3; and,		
• · 9	3. Taking such other and further action as deemed necessary and proper.		
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13	DATED: 12/5/16 Ungine Dud		
14	VIRGINIA HEROLD		
15	Executive Officer Board of Pharmacy		
16	Department of Consumer Affairs State of California Complainant		
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	(HEATHER LYNN DIXON) ACCUSATION		

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