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

In the Matter of the Accusation Against:  
  
**SANDRA LYNN FOWLER, AKA  
SANDRA LYNN KALINKE**  
2824 Thicket Pl.  
Simi Valley, CA 93065  
Pharmacy Technician Registration  
No. TCH 41248  
  
Respondent.

Case No. 5880  
  
**DEFAULT DECISION AND ORDER**  
  
[Gov. Code, §11520]

**FINDINGS OF FACT**

1. On or about November 28, 2016, Complainant Virginia K. Herold, in her official capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs, filed Accusation No. 5880 against Sandra Lynn Fowler, aka Sandra Lynn Kalinke (Respondent) before the Board of Pharmacy. On or about January 30, 2017, Complainant filed First Amended Accusation No. 5880 against Respondent. (Accusation and First Amended Accusation attached as Exhibit A.)

2. On or about March 22, 2002, the Board of Pharmacy (Board) issued Pharmacy Technician Registration No. TCH 41248 to Respondent. The Pharmacy Technician Registration expired on November 30, 2015, and has not been renewed.

///

1           3.     On or about December 8, 2016, Respondent was served by Certified and First Class  
2 Mail copies of the Accusation No. 5880, 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: 2824 Thicket Pl., Simi Valley, CA 93065.

7           4.     On or about February 10, 2017, Respondent was served by Certified and First Class  
8 Mail copies of the First Amended Accusation No. 5880, Supplemental Statement to Respondent,  
9 Request for Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6,  
10 and 11507.7) at Respondent's address of record which, pursuant to Business and Professions  
11 Code section 4100, is required to be reported and maintained with the Board. Respondent's  
12 address of record was and is: 2824 Thicket Pl., Simi Valley, CA 93065.

13           5.     On or about March 3, 2017, Respondent was served by Certified and First Class Mail  
14 copies of the First Amended Accusation No. 5880, Supplemental Statement to Respondent,  
15 Request for Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6,  
16 and 11507.7) at Respondent's alternate address which was and is: 2068 Pengrove Street, Simi  
17 Valley, CA 93065.

18           6.     Service of the Accusation and First Amended Accusation was effective as a matter of  
19 law under the provisions of Government Code section 11505, subdivision (c) and/or Business &  
20 Professions Code section 124.

21           7.     On or about March 8, 2017, the U.S. Postal Service returned delivery confirmation  
22 for certified mail, signed by Respondent on March 8, 2017, as receiving the aforementioned  
23 documents at Respondent's alternate address of record.

24           8.     Government Code section 11506(c) states, in pertinent part:

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

1 9. Respondent failed to file a Notice of Defense within 15 days after service upon her of  
2 the Accusation, and therefore waived her right to a hearing on the merits of Accusation No. 5880.

3 10. California Government Code section 11520(a) states, in pertinent part:

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

8 11. Pursuant to its authority under Government Code section 11520, the Board finds  
9 Respondent is in default. The Board will take action without further hearing and, based on the  
10 relevant evidence contained in the Default Decision Evidence Packet in this matter, as well as  
11 taking official notice of all the investigatory reports, exhibits and statements contained therein on  
12 file at the Board's offices regarding the allegations contained in Accusation No. 5880, finds that  
13 the charges and allegations in Accusation No. 5880, are separately and severally, found to be true  
14 and correct by clear and convincing evidence.

15 12. Taking official notice of its own internal records, pursuant to Business and  
16 Professions Code section 125.3, it is hereby determined that the reasonable costs for Investigation  
17 and Enforcement is \$1,687.50 as of May 4, 2017.

17 **DETERMINATION OF ISSUES**

18 1. Based on the foregoing findings of fact, Respondent Sandra Lynn Fowler, aka Sandra  
19 Lynn Kalinke has subjected her Pharmacy Technician Registration No. TCH 41248 to discipline.

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

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

24 (a) Business and Professions Code sections 4301, subdivision (l) and 490, in conjunction  
25 with California Code of Regulations, title 16, section 1770, in that Respondent has been convicted  
26 of a crime substantially related to the qualifications, functions or duties of a pharmacy technician.  
27 Specifically, on or about September 27, 2016, Respondent was convicted of one felony count of  
28 violating Health and Safety Code section 11351 [possession for sale of a controlled substance] in

1 the criminal proceeding entitled *The People of the State of California v. Sandra Lynn Kalinke*  
2 (Super. Ct. Ventura County, 2016, No. 2015021645).

3 (b) Business and Professions Code section 4301, subdivision (f), in that Respondent  
4 committed acts involving dishonesty, fraud, or deceit.

5 (c) Business and Professions Code section sections 4301, subdivision (j) and 4059, in  
6 that Respondent furnished dangerous drugs without a prescription.

7 (d) Business and Professions Code section 4301, subdivision (h), in that Respondent used  
8 and/or was under the influence of a controlled substance.

9 (e) Business and Professions Code section 4301, subdivision (j), as defined in section  
10 4060, in that Respondent illegally obtained or possessed a controlled substance.

11 (f) In order to determine the degree of discipline, if any, to be imposed on Respondent,  
12 Complainant alleges that on or about May 6, 1998, Respondent was arrested by the Simi Valley  
13 Police Department for violating Health and Safety Code section 11550, subdivision (a) [use/under  
14 the influence of a controlled substance.

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**ORDER**

IT IS SO ORDERED that Pharmacy Technician Registration No. TCH 41248, heretofore issued to Respondent Sandra Lynn Fowler, aka Sandra Lynn Kalinke, 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 at 5:00 p.m. on July 5, 2017.

It is so ORDERED on June 5, 2017.

BOARD OF PHARMACY  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

By \_\_\_\_\_  
Amy Gutierrez, Pharm.D.  
Board President

52477725.DOCX  
DOJ Matter ID:LA2016601931  
Jz(5/8/17) ,

Attachment:  
Exhibit A: Accusation and First Amended Accusation

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# Exhibit A

Accusation and First Amended Accusation

(SANDRA LYNN FOWLER, AKA SANDRA LYNN KALINKE)

1 XAVIER BECERRA  
Attorney General of California  
2 LINDA K. SCHNEIDER  
Senior Assistant Attorney General  
3 LINDA L. SUN  
Supervising Deputy Attorney General  
4 State Bar No. 207108  
300 So. Spring Street, Suite 1702  
5 Los Angeles, CA 90013  
Telephone: (213) 897-6375  
6 Facsimile: (213) 897-2804

7 *Attorneys for Complainant*

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

11 In the Matter of the Accusation Against:

Case No. 5880

12 **SANDRA LYNN FOWLER**  
13 **aka SANDRA LYNN KALINKE**  
2824 Thicket Pl.  
14 Simi Valley, CA 93065

**FIRST AMENDED ACCUSATION**

15 Pharmacy Technician Registration  
16 No. TCH 41248

17 Respondent.

18 Complainant alleges:

19 **PARTIES**

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

23 2. On or about March 22, 2002, the Board of Pharmacy (Board) issued Pharmacy  
24 Technician Registration No. TCH 41248 to Sandra Lynn Fowler, also known as Sandra Lynn  
25 Kalinke (Respondent). The Pharmacy Technician Registration expired on November 30, 2015  
26 and was cancelled on March 6, 2016, pursuant to Business and Professions Code section 4402,  
27 subdivision (e).

28 ///

1 JURISDICTION

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

5 STATUTORY PROVISIONS

6 4. Section 490 states, in pertinent part:

7 "(a) In addition to any other action that a board is permitted to take against a licensee, a  
8 board may suspend or revoke a license on the ground that the licensee has been convicted of a  
9 crime, if the crime is substantially related to the qualifications, functions, or duties of the business  
10 or profession for which the license was issued."

11 "(b) Notwithstanding any other provision of law, a board may exercise any authority to  
12 discipline a licensee for conviction of a crime that is independent of the authority granted under  
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."

15 "(c) A conviction within the meaning of this section means a plea or verdict of guilty or a  
16 conviction following a plea of nolo contendere. Any action that a board is permitted to take  
17 following the establishment of a conviction may be taken when the time for appeal has elapsed, or  
18 the judgment of conviction has been affirmed on appeal, or when an order granting probation is  
19 made suspending the imposition of sentence, irrespective of a subsequent order under the  
20 provisions of Section 1203.4 of the Penal Code."

21 5. Section 493 states:

22 "Notwithstanding any other provision of law, in a proceeding conducted by a board within  
23 the department pursuant to law to deny an application for a license or to suspend or revoke a  
24 license or otherwise take disciplinary action against a person who holds a license, upon the  
25 ground that the applicant or the licensee has been convicted of a crime substantially related to the  
26 qualifications, functions, and duties of the licensee in question, the record of conviction of the  
27 crime shall be conclusive evidence of the fact that the conviction occurred, but only of that fact,  
28 and the board may inquire into the circumstances surrounding the commission of the crime in



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

4 6. Section 4059, subdivision (a) states:

5 "A person may not furnish any dangerous drug, except upon the prescription of a physician,  
6 dentist, podiatrist, optometrist, veterinarian, or naturopathic doctor pursuant to Section 3640.7. A  
7 person may not furnish any dangerous device, except upon the prescription of a physician, dentist,  
8 podiatrist, optometrist, veterinarian, or naturopathic doctor pursuant to Section 3640.7."

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

12 8. Section 4300 provides, in pertinent part, that every license issued by the Board is  
13 subject to discipline, including suspension or revocation.

14 9. Section 4300.1 states:

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

20 10. Section 4301 states, in pertinent part:

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

24 . . . .

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

28 . . . .

1 (h) The administering to oneself, of any controlled substance, or the use of any dangerous  
2 drug or of alcoholic beverages to the extent or in a manner as to be dangerous or injurious to  
3 oneself, to a person holding a license under this chapter, or to any other person or to the public, or  
4 to the extent that the use impairs the ability of the person to conduct with safety to the public the  
5 practice authorized by the license.

6 . . . .

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

9 . . . .

10 (l) The conviction of a crime substantially related to the qualifications, functions, and  
11 duties of a licensee under this chapter. The record of conviction of a violation of Chapter 13  
12 (commencing with Section 801) of Title 21 of the United States Code regulating controlled  
13 substances or of a violation of the statutes of this state regulating controlled substances or  
14 dangerous drugs shall be conclusive evidence of unprofessional conduct. In all other cases, the  
15 record of conviction shall be conclusive evidence only of the fact that the conviction occurred.  
16 The board may inquire into the circumstances surrounding the commission of the crime, in order  
17 to fix the degree of discipline or, in the case of a conviction not involving controlled substances  
18 or dangerous drugs, to determine if the conviction is of an offense substantially related to the  
19 qualifications, functions, and duties of a licensee under this chapter. A plea or verdict of guilty or  
20 a conviction following a plea of nolo contendere is deemed to be a conviction within the meaning  
21 of this provision. The board may take action when the time for appeal has elapsed, or the  
22 judgment of conviction has been affirmed on appeal or when an order granting probation is made  
23 suspending the imposition of sentence, irrespective of a subsequent order under Section 1203.4 of  
24 the Penal Code allowing the person to withdraw his or her plea of guilty and to enter a plea of not  
25 guilty, or setting aside the verdict of guilty, or dismissing the accusation, information, or  
26 indictment.”

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1 **REGULATORY PROVISIONS**

2 11. California Code of Regulations, title 16, section 1770 states, in pertinent part:

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

9 **COST RECOVERY**

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

14 **CONTROLLED SUBSTANCE**

15 13. "Marijuana," is a Schedule I controlled substance as designated by Health and Safety  
16 Code section 11054, subdivision (d)(13) and is categorized as a dangerous drug pursuant to  
17 section 4022.

18 14. "Oxycodone," is the generic name for Oxycontin. It is a Schedule II controlled  
19 substance as designated by Health and Safety Code section 11055, subdivision (b)(1)(M) and is  
20 categorized as a dangerous drug pursuant to section 4022.

21 15. "Opiates," is a Schedule I controlled substance as designated by Health and Safety  
22 Code section 11054, subdivision (b) and is categorized as a dangerous drug pursuant to section  
23 4022.

24 **FIRST CAUSE FOR DISCIPLINE**

25 **(Convictions of Substantially Related Crimes)**

26 16. Respondent is subject to disciplinary action under sections 4301, subdivision (I) and  
27 490, in conjunction with California Code of Regulations, title 16, section 1770, in that  
28 Respondent has been convicted of a crime substantially related to the qualifications, functions or

1 duties of a pharmacy technician. Specifically, on or about September 27, 2016, Respondent was  
2 convicted of one felony count of violating Health and Safety Code section 11351 [possession for  
3 sale of a controlled substance] in the criminal proceeding entitled *The People of the State of*  
4 *California v. Sandra Lynn Kalinke* (Super. Ct. Ventura County, 2016, No. 2015021645). On  
5 January 3, 2017, the court sentenced Respondent to serve 180 days in jail and placed her on 36  
6 months formal probation, with terms and conditions. The circumstances surrounding the  
7 conviction are that on or about July 7, 2015, an officer observed Respondent sitting in her parked  
8 pickup truck snorting something. Upon approaching Respondent, the officer observed  
9 Respondent crushing a green pill with a lighter on her center console. Respondent admitted that  
10 she was crushing her prescription Oxycodone pills and snorting them. She further admitted that  
11 she has been addicted to opiate prescription pills for approximately 7 years. Respondent further  
12 admitted that she had just purchased Marijuana from a dispensary and had it in the truck.  
13 Respondent handed the officer her prescription bottle of Oxycodone and indicated that she had  
14 just filled her prescription in the morning for 180 pills. However, the pill bottle contained only 75  
15 pills. A search of Respondent's vehicle, revealed the Marijuana that Respondent had just  
16 purchased and \$344.00 in cash. Respondent admitted that she sold 12 of her pills to friend name  
17 Crystal for \$8.00 each and that she based the price on what she had paid in the past to illegally  
18 obtain Oxycodone from various drug dealers herself. She further admitted that she has been  
19 selling her prescription pills for approximately 8 months after realizing she could make money off  
20 of them. A search of Respondent's cell phone, revealed multiple text messages received that day  
21 regarding narcotics transactions.

22 **SECOND CAUSE FOR DISCIPLINE**

23 **(Acts Involving Dishonesty, Fraud, or Deceit)**

24 17. Respondent is subject to disciplinary action under section 4301, subdivision (f), in  
25 that Respondent committed acts involving dishonesty, fraud, or deceit. Complainant refers to,  
26 and by this reference incorporates, the allegations set forth above in paragraph 16, as though set  
27 forth fully.

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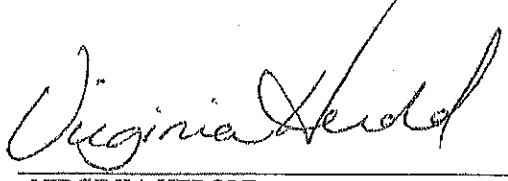


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2. Ordering Sandra Lynn Fowler to pay the Board of Pharmacy the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3; and,

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

DATED: 1/30/17



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

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52364505.docx  
Jz(1/26/17)

1 KAMALA D. HARRIS  
Attorney General of California  
2 LINDA K. SCHNEIDER  
Senior Assistant Attorney General  
3 LINDA L. SUN  
Supervising Deputy Attorney General  
4 State Bar No. 207108  
300 So. Spring Street, Suite 1702  
5 Los Angeles, CA 90013  
Telephone: (213) 897-6375  
6 Facsimile: (213) 897-2804

7 *Attorneys for Complainant*

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

11 In the Matter of the Accusation Against:

Case No. 5880

12 **SANDRA LYNN FOWLER**  
13 **aka SANDRA LYNN KALINKE**  
2824 Thicket Pl.  
14 Simi Valley, CA 93065

**A C C U S A T I O N**

15 Pharmacy Technician Registration  
16 No. TCH 41248

17 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.

22 2. On or about March 22, 2002, the Board of Pharmacy (Board) issued Pharmacy  
23 Technician Registration No. TCH 41248 to Sandra Lynn Fowler, also known as Sandra Lynn  
24 Kalinke (Respondent). The Pharmacy Technician Registration expired on November 30, 2015  
25 and was cancelled on March 6, 2016, pursuant to Business and Professions Code section 4402,  
26 subdivision (e).

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JURISDICTION

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

STATUTORY PROVISIONS

4. Section 490 states, in pertinent part:

"(a) In addition to any other action that a board is permitted to take against a licensee, a board may suspend or revoke a license on the ground that the licensee has been convicted of a crime, if the crime is substantially related to the qualifications, functions, or duties of the business or profession for which the license was issued."

"(b) Notwithstanding any other provision of law, a board may exercise any authority to discipline a licensee for conviction of a crime that is independent of the authority granted under subdivision (a) only if the crime is substantially related to the qualifications, functions, or duties 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 conviction following a plea of nolo contendere. Any action that a board is permitted to take following the establishment of a conviction may be taken 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 the provisions of Section 1203.4 of the Penal Code."

5. Section 493 states:

"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 license or otherwise take disciplinary action against a person who holds a license, upon the ground that the applicant or the licensee has been convicted of a crime substantially related to the qualifications, functions, and duties of the licensee in question, the record of conviction of the crime shall be conclusive evidence of the fact that the conviction occurred, but only of that fact, and the board may inquire into the circumstances surrounding the commission of the crime in order to fix the degree of discipline or to determine if the conviction is substantially related to the



1 qualifications, functions, and duties of the licensee in question. As used in this section, "license"  
2 includes "certificate," "permit," "authority," and "registration."

3 6. Section 4059, subdivision (a) states:

4 "A person may not furnish any dangerous drug, except upon the prescription of a physician,  
5 dentist, podiatrist, optometrist, veterinarian, or naturopathic doctor pursuant to Section 3640.7. A  
6 person may not furnish any dangerous device, except upon the prescription of a physician, dentist,  
7 podiatrist, optometrist, veterinarian, or naturopathic doctor pursuant to Section 3640.7."

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

11 8. Section 4300 provides, in pertinent part, that every license issued by the Board is  
12 subject to discipline, including suspension or revocation.

13 9. Section 4300.1 states:

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

19 10. Section 4301 states, in pertinent part:

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

23 . . . .

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

27 . . . .

28 ///

1 (h) The administering to oneself, of any controlled substance, or the use of any dangerous  
2 drug or of alcoholic beverages to the extent or in a manner as to be dangerous or injurious to  
3 oneself, to a person holding a license under this chapter, or to any other person or to the public, or  
4 to the extent that the use impairs the ability of the person to conduct with safety to the public the  
5 practice authorized by the license.

6 . . . .

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

9 . . . .

10 (l) The conviction of a crime substantially related to the qualifications, functions, and  
11 duties of a licensee under this chapter. The record of conviction of a violation of Chapter 13  
12 (commencing with Section 801) of Title 21 of the United States Code regulating controlled  
13 substances or of a violation of the statutes of this state regulating controlled substances or  
14 dangerous drugs shall be conclusive evidence of unprofessional conduct. In all other cases, the  
15 record of conviction shall be conclusive evidence only of the fact that the conviction occurred.  
16 The board may inquire into the circumstances surrounding the commission of the crime, in order  
17 to fix the degree of discipline or, in the case of a conviction not involving controlled substances or  
18 dangerous drugs, to determine if the conviction is of an offense substantially related to the  
19 qualifications, functions, and duties of a licensee under this chapter. A plea or verdict of guilty or  
20 a conviction following a plea of nolo contendere is deemed to be a conviction within the meaning  
21 of this provision. The board may take action when the time for appeal has elapsed, or the  
22 judgment of conviction has been affirmed on appeal or when an order granting probation is made  
23 suspending the imposition of sentence, irrespective of a subsequent order under Section 1203.4 of  
24 the Penal Code allowing the person to withdraw his or her plea of guilty and to enter a plea of not  
25 guilty, or setting aside the verdict of guilty, or dismissing the accusation, information, or  
26 indictment.”

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1 **REGULATORY PROVISIONS**

2 11. California Code of Regulations, title 16, section 1770 states, in pertinent part:

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

9 **COST RECOVERY**

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

14 **CONTROLLED SUBSTANCE**

15 13. "Marijuana," is a Schedule I controlled substance as designated by Health and Safety  
16 Code section 11054, subdivision (d)(13) and is categorized as a dangerous drug pursuant to  
17 section 4022.

18 14. "Oxycodone," is the generic name for Oxycontin. It is a Schedule II controlled  
19 substance as designated by Health and Safety Code section 11055, subdivision (b)(1)(M) and is  
20 categorized as a dangerous drug pursuant to section 4022.

21 15. "Opiates," is a Schedule I controlled substance as designated by Health and Safety  
22 Code section 11054, subdivision (b) and is categorized as a dangerous drug pursuant to section  
23 4022.

24 **FIRST CAUSE FOR DISCIPLINE**

25 **(Convictions of Substantially Related Crimes)**

26 16. Respondent is subject to disciplinary action under sections 4301, subdivision (l) and  
27 490, in conjunction with California Code of Regulations, title 16, section 1770, in that  
28 Respondent has been convicted of a crime substantially related to the qualifications, functions or

1 duties of a pharmacy technician. Specifically, on or about September 27, 2016, Respondent was  
2 convicted of one felony count of violating Health and Safety Code section 11351 [possession for  
3 sale of a controlled substance] in the criminal proceeding entitled *The People of the State of*  
4 *California v. Sandra Lynn Kalinke* (Super. Ct. Ventura County, 2016, No. 2015021645). The  
5 court placed Respondent on formal probation, with terms and conditions. The circumstances  
6 surrounding the conviction are that on or about July 7, 2015, an officer observed Respondent  
7 sitting in her parked pickup truck snorting something. Upon approaching Respondent, the officer  
8 observed Respondent crushing a green pill with a lighter on her center console. Respondent  
9 admitted that she was crushing her prescription Oxycodone pills and snorting them. She further  
10 admitted that she has been addicted to opiate prescription pills for approximately 7 years.  
11 Respondent further admitted that she had just purchased Marijuana from a dispensary and had it  
12 in the truck. Respondent handed the officer her prescription bottle of Oxycodone and indicated  
13 that she had just filled her prescription in the morning for 180 pills. However, the pill bottle  
14 contained only 75 pills. A search of Respondent's vehicle, revealed the Marijuana that  
15 Respondent had just purchased and \$344.00 in cash. Respondent admitted that she sold 12 of her  
16 pills to friend name Crystal for \$8.00 each and that she based the price on what she had paid in  
17 the past to illegally obtain Oxycodone from various drug dealers herself. She further admitted  
18 that she has been selling her prescription pills for approximately 8 months after realizing she  
19 could make money off of them. A search of Respondent's cell phone, revealed multiple text  
20 messages received that day regarding narcotics transactions.

21 **SECOND CAUSE FOR DISCIPLINE**

22 **(Acts Involving Dishonesty, Fraud, or Deceit)**

23 17. Respondent is subject to disciplinary action under section 4301, subdivision (f), in  
24 that Respondent committed acts involving dishonesty, fraud, or deceit. Complainant refers to,  
25 and by this reference incorporates, the allegations set forth above in paragraph 16, as though set  
26 forth fully.

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28 ///

1 **THIRD CAUSE FOR DISCIPLINE**

2 **(Furnishing Dangerous Drugs Without A Prescription)**

3 18. Respondent is subject to disciplinary action under sections 4301, subdivision (j) and  
4 4059, in that Respondent furnished dangerous drugs without a prescription. Complainant refers  
5 to, and by this reference incorporates, the allegations set forth above in paragraph 16, as though  
6 set forth fully.

7 **FOURTH CAUSE FOR DISCIPLINE**

8 **(Use/Under the Influence of a Controlled Substance)**

9 19. Respondent is subject to disciplinary action under section 4301, subdivision (h), in  
10 that Respondent used and/or was under the influence of a controlled substance. Complainant  
11 refers to, and by this reference incorporates, the allegations set forth above in paragraph 16, as  
12 though set forth fully.

13 **FIFTH CAUSE FOR DISCIPLINE**

14 **(Obtained or Possessed a Controlled Substance)**

15 20. Respondent is subject to disciplinary action under section 4301, subdivision (j), as  
16 defined in section 4060, in that Respondent illegally obtained or possessed a controlled substance.  
17 Complainant refers to, and by this reference incorporates, the allegations set forth above in  
18 paragraph 16, as though set forth fully.

19 **DISCIPLINARY CONSIDERATIONS**

20 21. In order to determine the degree of discipline, if any, to be imposed on Respondent,  
21 Complainant alleges that on or about May 6, 1998, Respondent was arrested by the Simi Valley  
22 Police Department for violating Health and Safety Code section 11550, subdivision (a) [use/under  
23 the influence of a controlled substance.

24 **PRAYER**

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

27 1. Revoking or suspending Pharmacy Technician Registration No. TCH 41248, issued to  
28 Sandra Lynn Fowler, also known as Sandra Lynn Kalinke;

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2. Ordering Sandra Lynn Fowler 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: 11/28/16 Virginia Herold

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

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